

***United States Court of Appeals
for the Second Circuit***



APPENDIX

NO. 77-4081

B

United States Court of Appeals

FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

and

LOCAL 107, INTERNATIONAL LADIES'
GARMENT WORKERS' UNION, AFL-CIO,

Intervenor,

v.

SOLBORO KNITTING MILLS, INC.,

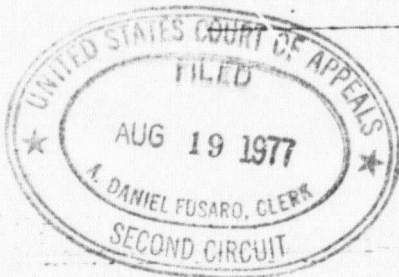
Respondent.

ON APPLICATION FOR ENFORCEMENT OF AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

APPENDIX

VOLUME II

Pages 363 - 683



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1 It's a sweater. You stitch the bottom over
2 here.

3 (Indicating.)

4 JUDGE HERMAN: All right.

5 MR. WEINRICH: I withdraw the question, your
6 Honor.

7 (Laughter.)

8 BY MR. WEINRICH:

9 Q What color were the sweaters you were working
10 on that day?

11 Were they all the same color or were they
12 different colors, if you recall?

13 A Mostly a tweed.

14 Q A tweed sweater?

15 A Yes.

16 Q Had you completed all of the work that had
17 been assigned to you that day when you left?

18 A Oh, no.

19 I had a big basket full of work yet.

20 Q Well, how many dozens were left, if you can
21 recall?

22 A I don't go according to dozens. I wouldn't know.

23 Q Based upon what you've described as a big
24 basket full of work, in hours, how much work was there?

25 A About four hours, three to four hours.

CSA Reporting

1

Q Did you --

2

A But they were preparing more work, though.

3

Q Okay.

4

Had you seen -- strike that.

5

Where was your job, the setting of pockets and the stitching, in the line of production?

7

Was it at the beginning of the production of the sweater or at the end of the production of the sweater?

10

A Practically the ending.

11

Q How many -- strike that.

12

What processes came after yours?

13

What was left to do on the sweater after you set the pockets and did the stitching?

15

A Button hole, buttons and finishing.

16

Q Those were the only procedures that were left?

17

A Yes.

18

Q And what did the finishing consist of?

19

Is that steaming and pressing?

20

A Steaming, pressing, threads cut, examining it.

21

Q So yours was the last machine operation to be performed on the sweater; is that correct?

23

A No.

24

I think buttons and button holes are after mine.

25

Q Had you seen any work cut in the plant on October

CSA Reporting

1 3rd that would have come to you?

2 A Well, they were working at the merrow machine.
3 Mrs. Murray was stitching some pockets getting ready
4 for me for Monday.

5 Q Was any knitting done at that time?

6 A I can't really recall.

7 Q Had you been given any warning of an impending
8 layoff?

9 A No, none whatsoever.

10 Q Now, you testified that when you spoke to Mrs.
11 Harkavy on October the 4th, she told you to call the
12 next Monday to see if work was available.

13 Did you call on Monday, October 7th?

14 A October 7th I did call in the presence of
15 Mr. Sciacca.

16 He was at my home at that hour -- at that
17 afternoon.

18 He came over and told me that we're going to
19 go to the plant tomorrow to hand out leaflets.

20 I says, "Why? Did you organize the shop yet?
21 Did you go in for recognition?"

22 He says, "Yes. I did that Friday."

23 He says, "Didn't you know anything about it?"

24 I says, "No. This is the first word I'm
25 hearing."

CSA Reporting

I says, "No wonder she laid me off Friday."

MR. SCHER: Objection.

Move that it be stricken.

JUDGE HERMAN: Let's not have a narrative.

MR. SCHER: Move it be stricken.

JUDGE HERMAN: Motion is granted.

BY MR. WEINRICH:

Q Did you speak with Mrs. Harkavy on October the 2nd?

A Yes, I did.

Q When did you call her?

A I called her at about 3:00 o'clock in the afternoon.

Q In the afternoon?

A Yes.

Q And what did you say to her and what did she say to you, if anything?

A Well, being I talked to Gaby, he says that they had already asked for recognition --

Q Well, what did you --

A So I called her and I asked her if there was any work for me Tuesday.

She said, "No, there's no work for Tuesday."

I said, "Why is this here? Is it on account of the union?"

CSA Reporting

1 She said to me, "That has nothing to do with
2 you."

3 She told me to call Tuesday afternoon for
4 Wednesday.

5 Q Well, did you go to the plant on Tuesday,
6 October the 8th?

7 A Yes, I went there at 7:30 in the morning.

8 Q And what did you do at the plant?

9 A We handed out leaflets to the workers that
10 were going into the shop.

11 Q Who else was present, if you remember?

12 A It was Donna, Mary, Joyce, Grace, Gaby, Clara
13 and myself.

14 Q And where did you all stand?

15 A We stood at the end of the driveway.

16 Q Did you stand together or were you spread out?

17 A No; we were all together.

18 Q Were you wearing union buttons?

19 A Yes.

20 Q And did you see the Harkavys that morning?

21 A Yes.

22 They drove in.

23 Q Did you have occasion to call Mrs. Harkavy
24 that day concerning work?

25 A Yes, I called in in the afternoon.

CSA Reporting

1 Q And whom did you speak to at that time?

2 A Mr. Harkavy.

3 Q This was Mr. Harkavy now?

4 A Yes.

5 She wouldn't talk to me no more.

6 Q Well, did you ask for her?

7 A Yes, I asked for Mrs. Harkavy.

8 He said, "She's not available right now," he
9 says, "but I could tell you what you want."

10 I says, "Is there any work for me Wednesday?"

11 So he says, "No, there's no work for you
12 Wednesday."

13 He says, "You can call again Wednesday night."

14 Q And did you call on Wednesday?

15 A Yes, I called Wednesday.

16 Q And whom did you speak with at that time?

17 A I spoke with --

18 Q Mr. or Mrs. Harkavy?

19 A No, I didn't speak to Mrs. Murray anymore. I
20 spoke to Mr. Harkavy.

21 Q What did you say to him at that time?

22 A I asked if there's any work.

23 He says, "No."

24 I asked, "When will we get started to work?"

25 He said, "We'll see."

CSA Reporting

1 Q And do you recall if there was any conversation
2 concerning a pay check?

3 A Oh, I called again because I forgot all about
4 the pay check, I forgot all about the pay check, that
5 I had another pay check coming in.

6 I called and I says, "Is the pay check ready?"

7 He said, "Yes. you can come in any time you
8 want."

9 I said, "All right, I'll be right down," because
10 I only live a few minutes away from there.

11 So I went and he met me at the door and he
12 gave me my pay check.

13 Q Okay.

14 Did you have a conversation --

15 A So I asked him, "When is there work?"

16 He says, "I really don't know."

17 I says, "What's the matter?"

18 He said, "Well, we'll see when we straighten
19 all this out," he said.

20 I said, "Can I go to unemployment?"

21 He says, "Yes, you can."

22 I says, "When will I get back to work?"

23 He says, "Keep in touch."

24 Q Did he give any explanation as to what he
25 meant by when we straighten all this out?

CSA Reporting

1 A No, he did not.

2 Q Was anyone else present during that conversation?

3 A No.

4 Q Were you able to see the work floor from where
5 you were on October the 9th when you went to pick up
6 your pay check?

7 A Well, not too good. It was right near the
8 office. You couldn't see -- I only saw one of the
9 girls to wave to.

10 I don't even remember which one it was.

11 Q Were you able to see if work was being
12 performed on that day?

13 A I didn't look around. He didn't give me a
14 chance, anyway.

15 Q What type of work did Josephine O'Connell do,
16 if you know?

17 A What -- who?

18 Josephine?

19 Q Yes, O'Connell.

20 A Well, she was always at the cutting table. So
21 I -- she helped cutting.

22 Q Did she ever give you any directions or
23 instructions in your work?

24 A No, she never talked to me. She had no reason.

25 Q On october 3rd from your observation on the

CSA Reporting

1 last day that you worked, with all of the other girls
2 in the production process before the work would
3 come to you, busy that day?

4 A Yes.

5 We were all busy. We were all working that day.

6 Q Did all of the sweaters manufactured by Solboro
7 have pockets?

8 A No.

9 Q Did they all have stitching to be done?

10 A No.

11 Q So there would be some sweaters which you
12 would not have worked on?

13 A Right.

14 Q In any event?

15 A Right.

16 Q But did you see sweaters being prepared on
17 October 3rd that you would have worked on?

18 A Yes.

19 Mrs. Murray was doing some pockets getting
20 ready for me.

21 She was morrowing them, getting them ready for
22 me to sew on to the sweater.

23 JUDGE HERMAN: Do you know how to spell that
24 word?

25 THE WITNESS: M-e-r-r-o-w-i-n-g.

CSA Reporting

JUDGE HERMAN: What does that entail?

THE WITNESS: That's -- what would you call that machine besides merrowing?

MR. SCHER: That's what it is.

THE WOMAN: It stitches and cuts at the same time.

JUDGE HERMAN: No, no.

Let's take this --

THE WITNESS: One at a time.

JUDGE HERMAN: Yes, let's take this order.

Can you describe what it is?

What does the merrowing process involve?

THE WITNESS: Well, the pocket is already cut. You can't stitch it on with the machine unless it's merrowed around so it will be straightened out, so it will be easier to sew on with the Singer machine.

JUDGE HERMAN: Is that a word we can find in an ordinary dictionary?

MR. SCHER: My client tells me you can.

JUDGE HERMAN: Very well.

Go on.

THE WITNESS: That's it.

BY MR. WEINRICH:

Q Were you able to or could you tell us how much work Mrs. Murray, or Mrs. Harkavy, was preparing for you?

CSA Reporting

1 A I can't really say. I --

2 JUDGE HERMAN: You don't know?

3 THE WITNESS: It must have been --

4 JUDGE HERMAN: You don't know, not what it must
5 have been.

6 Do you know?

7 THE WITNESS: No, I don't know.

8 BY MR. WEINRICH:

9 Q You testified that Josephine O'Connell worked
10 at the cutting table.

11 Who did the cutting in the shop, if you know?

12 A Miss Murray.

13 MR. WEINRICH: I have no further questions of
14 this witness, your Honor.

15 JUDGE HERMAN:: Mr. Kushner, anything?

16 MR. KUSHNER: I have no questions.

17 JUDGE HERMAN: Mr. Scher.

18 MR. SCHER: Is there a statement?

19 MR. WEINRICH: Here.

20 (Hanging.)

21 JUDGE HERMAN: We'll be in recess at this time.

22 (Whereupon, a recess was taken at 4:00 p.m.)

23 JUDGE HERMAN: Back on the record.

24 Mr. Scher.
25

CROSS EXAMINATION

1
2 BY MR. SCHER:

3 Q Mrs. Passannante, in actual fact by the time
4 October 4th arrived and you started your period of
5 lay off, you had only worked for the company three
6 weeks.

7 Is that correct?

8 A Right.

9 Q And I say three weeks meaning a general
10 description of the period of time.

11 I'm aware of the fact, and I take it that you
12 are also that you didn't work a full week in any of
13 those three weeks, you actually missed a day in each
14 week; correct?

15 A For what reason?

16 Q Regardless.

17 I mean when I described three weeks, I mean
18 that -- I don't mean to be implying that they were
19 necessarily full weeks. It was three weeks of time
20 calendarwise.

21 Is that correct?

22 A Yes.

23 JUDGE HERMAN: All right.

24 BY MR. SCHER:

25 Q Now, Mrs. Passannante, during that period of

CSA Reporting

1 time, did you become familiar with wh in the shop
2 was capable of doing every kind of work, or was your
3 period of time with the company too short to become
4 familiar with that?

5 A Right.

6 JUDGE HERMAN: I don't think this witness is
7 capable of answering questions like that. That's
8 something that you can make whatever you want of.
9 You've got the facts.

10 MR. SCHER: Yes, your Honor.

11 BY MR. SCHER:

12 Q Did you -- strike that.

13 Is it fair to say, Mrs. Passannante, that you
14 did not know what every other employee working in
15 the place was capable of doing?

16 A I don't know of their capability, but I know
17 what they were doing. That's all.

18 I can't say as to capability. I've just seen--

19 JUDGE HERMAN: Okay.

20 You've answered the question.

21 THE WITNESS: All right.

22 BY MR. SCHER:

23 Q Now, were you aware of the fact that Carmen
24 Gonzalez worked on the Singer machines?

25 A Yes.

CSA Reporting

1 Q And that Ana Nemer worked on the Singer
2 machines?

3 A I can't recall that.

4 Q And that when needed, Grace Rugolo worked on
5 the Singer machines?

6 A Well, I don't recall them working while I was
7 there. I don't recall it.

8 Q In any event, it is clear to you that every one
9 of those three women is more -- had a length of
10 employment with the company longer than yours when
11 October 4th arrived; is that correct?

12 A They were all there when I was employed, yes.

13 Q They were all there before you were employed?

14 A That's right.

15 Q Did --

16 MR. WEINRICH: Objection.

17 The question is impossible to answer. She
18 doesn't know what happened before she was employed.

19 JUDGE HERMAN: Overruled.

20 BY MR. SCHER:

21 Q You knew that those three people were more senior
22 to you in terms of --

23 JUDGE HERMAN: You've made your point.

24 MR. SCHER: Okay, your Honor.
25

CSA Reporting

BY MR. SCHER:

Q Now, Mrs. Passannante, when you were hired by Mrs. Harkavy, did you have any discussion with her relating to your desire not to work too much, not to earn too much money?

A Well, I went in because I knew that the place was a seasonal work.

Q And you had -- and your conversation with her went on to the point of saying that you did not want to work too long or make too much money; is that correct?

A I didn't want to work a full day.

Q And didn't you also discuss with Mrs. Harkavy not earning too much money, not putting in too much time for particular reasons?

A When I retire.

Q And was that related to your being on social security?

A I wasn't yet. I was going to be.

I wasn't on social security yet. I was going to be on social security.

Q And you discussed with Mrs. Harkavy the fact that you had a limitation in earnings that you didn't want to mess up in the year 1974; is that correct?

A Not necessarily.

CSA Reporting

1 it have been cut down by?

2 A It would still have been about three or four
3 hours.

4 Q It would still have been three or four hours
5 with no pockets or half pockets -- half the garments
6 only having pockets to do?

7 JUDGE HERMAN: What counsel is suggesting to
8 you, Mrs. Passannante, that unless you knew what
9 work had to be done, you couldn't possibly estimate
10 how much time would have been involved.

11 THE WITNESS: No.

12 That's right, I can't estimate it.

13 JUDGE HERMAN: Go ahead.

14 BY MR. SCHER:

15 Q Now, isn't it true that you were totally new
16 to working on knitted wear?

17 A Yes.

18 Q This was --

19 A Not knitwear.

20 I worked on knitwear, but not on sweaters.

21 Q Yes; okay.

22 A I worked on knitwear.

23 Q You were totally new to working on sweaters
24 in knitwear?

25 A Yes.

CSA Reporting

1 I worked on it when I was single a long time
2 ago but not as an operator.

3 JUDGE HERMAN: Just answer the question.

4 Q Now, were you aware of the fact that at or
5 about the time that you were hired -- for ready
6 reference, I'll call it mid-September -- that the
7 knitting machines had stopped in the plant?

8 A No, they weren't all together.

9 Q Well, were you aware of the fact that they were,
10 one by one, stopping down?

11 A No, I don't -- I can't --

12 Q Well, what was your awareness?

13 What did you know about the stopping down of
14 the knitting machines?

15 A I didn't observe it. The men were still
16 working there.

17 I saw the man still there. I didn't observe
18 the machines.

19 Q Well, isn't it a fact that the entire shop
20 knows immediately when any of those knitting mills
21 stop production?

22 JUDGE HERMAN: She can't tell you what the
23 entire shop knows.

24 A I don't know. I wouldn't know.

25 Q Didn't you engage --

CSA Reporting

1 Murray, as you have sometimes referred to her, work
2 any machine in the shop?

3 A I believe she does. She taught me.

4 MR. SCHER: No further questions.

5 JUDGE HERMAN: Any redirect?

6 MR. WEINRICH: Yes, just a few questions,
7 your Honor.

8 REDIRECT EXAMINATION

9 BY MR. WEINRICH:

10 Q Are you presently collecting social security?

11 A Yes.

12 Q When did you begin?

13 A The first of October.

14 Q Did you have the --

15 A The 3rd of October, the first check.

16 JUDGE HERMAN: Wait a minute.

17 Are we talking about social security or un-
18 employment insurance?

19 MR. WEINRICH: I'm talking about social security.

20 THE WITNESS: Social security.

21 JUDGE HERMAN: Okay.

22 BY MR. WEINRICH:

23 Q Did you have any discussion about social
24 security with Mrs. Harkavy during the term of your em-
25 ployment?

1 A Before I was hired.

2 Q And what was that discussion?

3 A I told her it was a seasonal job and that
4 that's why I would like to work in a sweater place.

5 She says to me, "We'll try it out and see how
6 you work out."

7 I never worked on sweaters. I worked on knit-
8 wear but not sweaters.

9 Q As of October the 3rd, had you made any
10 request to Mrs. Harkavy to work less, other than
11 your request to stop at 3:30?

12 A No.

13 Q Were you paid on an hourly rate or on a piece
14 work rate?

15 A Hourly wage rate.

16 Q You were asked a question on cross examination
17 concerning whether if the knitting machines stopped
18 in mid-September, whether as of October 3rd that
19 would have had an impact upon your work near the end
20 of the production line.

21 Let me ask you this question:

22 How many procedures were there which came
23 before your stitching -- your setting the pockets
24 and stitching the edgings?

25 A Well, there would be the girl that puts

CSA Reporting

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sleeves to put the garment together, the shoulders and the sides.

One would be putting sleeves, one would be putting collars if you had to have a collar.

That all would work before my work. I'd be, as I said, before the buttons and button holes, I'd be the next to the last operation.

Q What about the mauser operator?

A The merrow operator?

Q Yes.

A They are -- they proceed me.

Q Is there a merrow machine?

A Merrows.

Q Mauser?

A No, I don't know what machine that would be. It's merrow.

Q But the goods would have to be cut before then --

A Yes.

Q -- is that correct?

A Yes.

Q They would have to be knit?

A Knit, cut, merrow operators, and then the Singer and the button and the button holes.

Q Was other work done on the Singer machine

1 besides your work?

2 A No, I don't think so.

3 Q So, if the knitting had stopped at any time
4 and there was no work, there would be people who
5 were affected by this before you would be affected:
6 is that correct?

7 A Right.

8 The merrow would be home before me.

9 MR. WEINRICH: I have no further questions.

10 JUDGE HERMAN: Mr. Kushner?

11 MR. KUSHNER: I just have one or two
12 questions.

13 REDIRECT EXAMINATION

14 BY MR. KUSHNER:

15 Q Did you ask the meployers to lay you off as of
16 October 3rd?

17 A Definitely not.

18 Q Did you ask them at any time to lay you off?

19 A No.

20 Q Now, the work --

21 A I was told over the phone.

22 Q The work that you did, did that involve --
23 strike that.

24 Did you work on all of the garments that were
25 produced there, that is, not only those that had

CSA Reporting

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P R O C E E D I N G S

1
2 JUDGE HERMAN: On the record.

3 Mr. Weinrich.

4 MR. WEINRICH: Your Honor, General Counsel calls
5 as its next witness, Mary White.

6 Whereupon, MARY WHITE, was called as a witness and
7 having been first duly sworn by the Administrative Law
8 Judge, was examined and testified as follows:

9 DIRECT-EXAMINATION

10 BY MR. WEINRICH:

11 Q What is your full name?

12 A Mary White.

13 Q What's your home address?

14 A 655 Middlecountry Road, Apartment #4F-2 Coram,
15 New York.

16 Q Mrs. White, have you ever been employed by the
17 Respondent in this proceeding, Solboro Knitting Mills, Inc.

18 A Yes, I was.

19 Q And when did you begin working for Solboro, Mrs.
20 White?

21 A On October the 27th, 1974.

22 Q I'm sorry, I couldn't hear you.

23 A October 27th, I mean to say, 1974.

24 Q Are you certain that it was October that you began
25 working?

CSA Reporting

1 A Oh, August. I'm nervous, very nervous.

2 Q Well, just relax, Mrs. White.

3 What type of work did you do at Solboro?

4 A I worked on the sewing machines.

5 Q So you were a sewing machine operator?

6 A Sewing machine operator, yes.

7 Q I see.

8 Did you -- could you describe the type of sewing
9 that you did on the machines?

10 A I worked on three machines.

11 Q And what three machines would they be?

12 A I worked -- I first worked on -- I was taught the
13 Mauser machine and did that work.

14 Q The Mauser machine, you say?

15 A Yes.

16 Q Who taught you how to operate the Mauser machine?

17 A Mrs. Harkavy.

18 Q Could you briefly describe to us the type of work
19 you performed on the Mauser machine?

20 A It was all on coat-sweaters, ladies' coat-sweaters.
21 It was, I put the binding around the neck and down the
22 front of the sweaters where the buttons and buttonholes
23 are put on afterwards.

24 Q So the binding that you put on, did that come in
25 one piece?

CSA Reporting

1 A It came in yards and yards of it in a box and I had
2 to feed the machine, work with it and feed it.

3 Q And the machine would attach the binding to the
4 garment?

5 A The machine -- the binding went over the top of the
6 machine. The sweater went through the -- where the needle
7 goes through and they came together. I had to hold them.
8 It was -- you had to be very careful that it could slip
9 off very easily if you weren't watching or you just moved
10 or jerked your hand just a certain way.

11 Q And what other types of machines did you operate?

12 A I don't know if you would call it that. I worked
13 on, I did tatting on the fur collars and cuffs on these
14 coat-sweaters.

15 Q And would that be on the Mauser machine?

16 A No.

17 I would call it a tatting machine or it could be
18 a buttonhole -- a machine that would put a button on;
19 could use it, I think, in both places, but that I'm not
20 sure of.

21 Q Did you ever operate the Merrowing machine?

22 A I tried it once or twice because where I worked
23 before I was a merrow operator. I had asked that I didn't
24 lose my speed on it. Mrs. Harkavy -- I asked her if I
25 could try it, which she let me do. Sweater work is entirely

1 different from the work I've done before in handling,
2 and it was a little faster for me.

3 Q Are the merrow and mauser machines in fact different
4 machines --

5 A Yes.

6 Q -- or --

7 A Yes, every machine. Each name of the machine is
8 a different machine and does a different type of work.

9 Q So merrowing or mausering, if that's the proper
10 term, is not a different function done on the same machine,
11 it's a different function done on different machines; is
12 that correct?

13 A Right.

14 Q Okay.

15 On which machine did you primarily work?

16 A I primarily worked on the Mauser machine.

17 Q And that would be doing the bindings?

18 A The bindings, yes.

19 Q Now, to your knowledge, Mrs. White, during the period
20 that you worked for Solboro, did anybody else do the type
21 of work that you did?

22 A Not during my working hours.

23 Q To your knowledge, did the company only have one
24 shift or did it have more than one shift?

25 A One shift.

CSA Reporting

- 1 Q And, to your knowledge, did every sweater manu-
2 factured by Solboro have a binding that was put on?
- 3 A Well --
- 4 Q If you know.
- 5 A -- while I was there, that I could see, every
6 sweater had a binding around the next and the front.
- 7 Q And you would be the operator that would attach
8 this binding?
- 9 A Yes.
- 10 Q I see.
11 Were you paid on an hourly rate or on a piece rate?
- 12 A Yes.
- 13 Q Which?
- 14 A Hourly rate.
- 15 Q At what salary did you start?
- 16 A 225.
- 17 Q Did you receive any raises during the --
- 18 A No.
- 19 Q -- course of your employment?
- 20 A No.
- 21 Q Let me finish my question before you answer.
- 22 A I'm sorry.
- 23 Q Are you presently working for Solboro?
- 24 A No, I'm not.
- 25 Q When did you stop?

CSA Reporting

1 A On Friday, October the 7th, at four o'clock I
2 had completed my --

3 Q Well, why don't you wait for my questions, Mrs.
4 White?

5 A Yes.

6 JUDGE HERMAN: Before we go any further, I think
7 we ought to straighten out those dates. We had October 4th
8 described as a Friday.

9 THE WITNESS: I'm sorry, the 7th is a Monday, that's
10 correct, the 7th is a Monday.

11 MR. WEINRICH: That would be correct, your Honor,
12 according to the calendar, the 4th was a Friday and the
13 7th was a Monday.

14 JUDGE HERMAN: And what was the last day you
15 worked?

16 THE WITNESS: The 7th.

17 JUDGE HERMAN: A Monday?

18 THE WITNESS: Yes.

19 JUDGE HERMAN: All right.

20 BY MR. WEINRICH:

21 Q By whom were you hired, Mrs. White?

22 A By Mrs. Harkavy.

23 Q And at the time you were hired, do you recall if you
24 had a conversation with Mrs. Harkavy?

25 A Well, the usual procedure is she asked me --

CSA Reporting

1 Q Well, did you have a -- did you speak with her?

2 A Yes.

3 Q Okay.

4 Where did the conversation take place?

5 A In Mr. and Mrs. Harkavy's office.

6 Q Was anyone else present that you recall?

7 A Not when I first went in but later Mr. Harkavy

8 came in.

9 Q Okay.

10 Now, if you recall, will you tell us what Mrs.

11 Harkavy said to you during this conversation and what you

12 said to her, if anything?

13 A Mrs. Harkavy asked me where I had worked previously

14 and what I did. I told her I worked for Kenwood Knitting

15 Mills in Patchogue, New York, and I was a merrow operator

16 there.

17 Q Do you recall if you said anything else to her?

18 A I don't recall if I mentioned it or Mrs. Harkavy

19 mentioned whether Kenwood was a union shop. I don't recall

20 if it was me that said it or she asked me which Kenwood

21 was.

22 Q But the subject of Kenwood being a union shop was

23 mentioned, you are just saying you don't recall who raised

24 the subject?

25 A Right.

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1 Q Do you recall if Mrs. Harkavy said anything else?

2 A Mrs. Harkavy told me this was a non-union shop and
3 here we're more like a family shop and in a union shop,
4 you're not a person, you're just a clock number.

5 Q And that's what Mrs. Harkavy said to you?

6 A Yes.

7 Q Do you recall if you said anything else to her?

8 A I told her that it didn't matter to me one way or
9 the other, I was looking for a steady, full-time position,
10 which she told me it was and they had very few layoffs.

11 Q Now, Mrs. White, after you began working for Solboro
12 Knitting Mills, did there come a time when you were con-
13 tacted by a representative of Local 107?

14 A I'm sorry, would you repeat the question?

15 I wasn't paying attention.

16 Q Sure.

17 After you were employed by Solboro Knitting Mills,
18 did there come a time when you were contacted by a
19 representative of Local 107 of the I.L.G.W.U.

20 A Yes.

21 Q Do you recall when you were so contacted?

22 A Date, I don't remember. I don't recall the date.

23 Q Well, do you recall in what month you were contacted?

24 A I -- it was around the end of September.

25 Q Would that be September of 1974?

CSA Reporting

1 A I -- is it possible I could have a drink of water?
2 My mouth is so dry.

3 JUDGE HERMAN: Off the record.

4 (Discussion off the record.)

5 JUDGE HERMAN: Back on the record.

6 MR. WEINRICH: What was my last question?

7 (Record read.)

8 A It was the end of September 1974, yes.

9 Q And --

10 A In the latter part of September.

11 Q And by whom were you contacted, Mrs. White?

12 A One evening I received a telephone call in my home.
13 Mr. Sciacca introduced himself.

14 Q So you were contacted by Mr. Sciacca?

15 A Yes.

16 Q And he called you?

17 A Yes.

18 Q Do you recall what he said to you in that conversat

19 A He introduced himself to me and said he was from
20 the union and he would like to come to my house and speak
21 to me for the union to represent me in organizing the shop
22 where I worked.

23 Q What did you say to him, if anything?

24 A I told him it was the first time I had ever heard
25 anything about anyone interested in the union where we were

CSA Reporting

1 working and I would like to think it over first and talk
2 to my co-workers or the ladies I worked with at work and
3 what they would want to do.

4 Q The conversation then ended?

5 A Yes, it did -- oh, no.

6 Mr. Sciacca told me to do that and to take my
7 time and that he would call me back in the near future.

8 Q And following your conversation with Mr. Sciacca,
9 did there come a time when you did speak with your fellow
10 employees about the union?

11 A Would you repeat it?

12 Q Sure.

13 After your telephone conversation with Mr. Sciacca,
14 did there come a time when you spoke with your fellow
15 employees about the union?

16 A Yes, I did.

17 Q When was that, if you can recall?

18 A The next morning.

19 Q And --

20 A No, not the next morning, it was at my lunch --
21 during my lunch hour the next --

22 Q The next day?

23 A Yes.

24 Q All right.

25 Where did that conversation take place?

CSA Reporting

- 1 A Well, I usually went out for lunch. It was when
- 2 I came back at the end of our lunch period where the girls
- 3 sit at a table in the rear of the building. They were
- 4 there, and I asked them as a group --
- 5 Q Well, let me --
- 6 A All right.
- 7 Q -- get up to what was said.
- 8 A All right.
- 9 Q Do you recall which of your fellow employees were
- 10 sitting at the table you described that day?
- 11 A Mostly all the girls usually that ate back there.
- 12 I, too, sometimes ate with them.
- 13 Q Well, what I would like you to do, if you can
- 14 recall, is name the people who were sitting at the table
- 15 and as we go through the names, if you can recall, I'd
- 16 like you to tell us what job, if you remember, those people
- 17 performed in the shop.
- 18 A Carmen was there.
- 19 Q What was her job in the shop?
- 20 A She was a merrow operator. I believe sometimes
- 21 she sewed the pockets on the coat-sweaters. She did
- 22 merrow work on the sweaters, closing seams I will say,
- 23 closing seams and also on straight -- whatever machine it
- 24 was, I don't know -- she sewed pockets on.
- 25 Q Okay.

CSA Reporting

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1 Who else was there?

2 A It was Ana.

3 Q Would that be Ana Nemec?

4 A I don't remember peoples last names. I wasn't
5 there long enough to really know their last names, only
6 first names.

7 Q Well, do you know what type of work Ana did during
8 the time you were employed there and up 'til the time you
9 were employed there and up 'til the time of the conversation?

10 A Ana worked on the fur collars and cuffs, prepared
11 them to be put -- that was going to be put on at a later
12 operation on to the sweater.

13 Q Do you recall who else was there?

14 A Grace.

15 Q And what did Grace do, if you know?

16 A She worked on the merrow machine, closing seams
17 on the sweaters.

18 Q Was that the same type of work as Carmen did?

19 A Yes, I would say they did the same kind of work,
20 one would work on sleeves and one would work on the seams
21 or one is an all around the front of the whole sweater
22 before I got it, was a merrow, stitching around.

23 Q And who else was present, if you know?

24 A Joyce.

25 Q And what type of work did Joyce do, if you know?

CSA Reporting

1 A Joyce made the buttonholes and put the bottoms on
2 the coat-sweater after I finished my operation -- well,
3 at a later -- that's what she did.

4 Q And was that sometime after you worked on the
5 sweater?

6 A I had to have the binding on before Joyce received
7 that.

8 Q Anybody else that you remember being there?

9 A There was a Mildred. I believe she was, like, the
10 one who packed the clothes that was to be shipped out I
11 guess to the different vendors or manufacturers, wherever
12 it was routed to go.

13 Q Anyone else that you recall?

14 A There was a Millie. I would consider her like an
15 examiner of the sweaters and a floor girl, in a sense.

16 Q An examiner of the sweaters?

17 A Of the sweaters, right.

18 Q Would that be after the garments were manufactured
19 after --

20 A I believe --

21 Q -- the operating functions were completed?

22 A Well, I believe also Donna did the same -- they
23 sort of intertwined there, they worked there. I think
24 they -- you know, different stages they would examine them
25 when the work was passed up to them.

CSA Reporting

1 Q So it wasn't necessarily after the sweater was
2 completed?

3 A Not necessarily at the end, there were times in
4 between, that's correct.

5 Q And you mentioned Donna. Was Donna present at that
6 conversation?

7 A Yes, she was.

8 Q And besides from doing the type of work that you
9 attributed to Mildred or -- I'm sorry -- to Millie and
10 Donna, do you know if Donna did any other type of work?

11 A Yes.

12 Q What type of work did she do?

13 A She received the knit goods and she separated by
14 pulling a thread, or something, by sizes. I mean, I don't
15 know too much about it.

16 Q Separating?

17 A Yes.

18 Q When was that done, do you know?

19 A When?

20 Q Yes.

21 A You mean --

22 Q Was it before or after the garment was cut?

23 A The separating?

24 Q Yes, if you know.

25 A You mean cut into shape to make a sweater?

CSA Reporting

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1 Q Right.

2 A Before it was cut into shape to make a sweater.

3 Q And was anybody else present at that conversation?

4 A There was a Julie, I think her name was, Julie.

5 Q And do you know what Julie's job was at that time?

6 A I think she marked on the binding after I had put
7 it on, where the buttonhole and the buttons were to be
8 placed.

9 Q And do you remember anybody else being present?

10 A Marge wasn't in that day, so she couldn't have
11 been there.

12 Yes, yes, she was; yes, she was in that day. Yes,
13 Marge was in that day.

14 Q The woman that you described as Marge, is that the
15 woman who testified here yesterday?

16 A Yes.

17 Q Mrs. Passannante?

18 A Yes.

19 Q Now, if you would tell us, Mrs. White, if you recall,
20 what was discussed at that conversation, what you said and
21 what the other people said?

22 A I just spoke to the girls there at a group and I said
23 I got a call last night from Mr. Sciacca about you girls
24 wanting to join a union and no one -- and I asked them how
25 they felt about it, how they felt about it and what -- you

CSA Reporting

1 know, normal conversation, just how they felt about it.

2 They said to me that they signed -- that they
3 signed or were signing and I should sign, too.

4 Q Do you recall if Mrs. Harkavy was on the floor when
5 that conversation took place?

6 A On the floor?

7 Q Yes.

8 A No, I don't recall that.

9 Q Well, how much time during the day, on a normal
10 day, Mrs. White, did Mrs. Harkavy spend on the working
11 floor?

12 A Mrs. Harkavy was most of the time, most of the
13 day on some machine or or on the different machines during
14 the day.

15 Q Was Josephine O'Connell present during that
16 conversation, if you --

17 A No.

18 Q -- recall?

19 A No, no.

20 Q Did you see her on the working floor while the
21 conversation took place?

22 A Well, it was on lunch time, it was during lunch.

23 Josephine had her lunch up at the front of the
24 building, and where we sat in the back, you could not see
25 her where she had her lunch usually.

CSA Reporting

1 Q Before I forget, Mrs. White, we discussed the type
2 of work that you did.

3 A Yes.

4 Q Will you tell us where in the production process
5 the mauser operation took place?

6 What had to come before that and what had to come
7 after that, as you know it?

8 A Well, not being too familiar with all the sweater
9 operations, I would say, as far as the sewing operations
10 were concerned, before it got to me, maybe I was the
11 second or third operation.

12 Q Had it already been merrowed?

13 A Yes.

14 Q Had the pockets been sewn on?

15 A I'm not sure. I don't recall.

16 Q It was knit, though?

17 A Sometimes maybe I could have a pocket and sometime
18 maybe they weren't on, I would assume.

19 Q What happened after your operation, if you know?

20 What was left to be done on the sweater after your
21 operation?

22 A After my operation?

23 Q Yes.

24 A I guess pockets, marking the buttonholes and butto
25 labels, making the buttonholes and buttons, stitching the

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1 end of the binding, presser, examiners -- I think examiners,
2 folders, and then presser, and then being boxed, I think.

3 Q Okay.

4 After your conversation with your fellow workers
5 that you've testified to, did there come a time when you
6 were contacted again by a representative of Local 107?

7 A Yes.

8 Q When was that, if you recall?

9 A Well, it's easy to recall. On the evening of my
10 birthday, October the 3rd, Mr. Sciacca re-called and asked
11 me if he could come to my house and would I sign a card
12 for the union.

13 Q And this took place on the telephone?

14 A Beg your pardon?

15 Q And this took place on the telephone?

16 A On the telephone.

17 Q And what did you answer to Mr. Sciacca, if anything?

18 A I said yes, he could come to my house that evening.

19 Q And did Mr. Sciacca come to your home that evening?

20 A He did.

21 Q Do you recall at about what time he arrived?

22 A It was around 9:30. I mean, I'm not a clock watcher.

23 I would say -- but it was later than usual you would have
24 someone come and call on you.

25 Q Did you enter into a conversation with Mr. Sciacca

CSA Reporting

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1 at your home?

2 A I asked him about different things from the union.
3 He explained things to me. He gave me a card and asked me
4 if I would fill it out and sign it.

5 Q Did he say anything to you about that card that he
6 gave you?

7 A He told me to read it carefully to know what I was
8 signing. I then signed it.

9 Q What did you do with the card?

10 A I filled it out and I signed the card.

11 Q Did you fill the card out completely?

12 A Completely.

13 Q Okay.

14 I show you General Counsel's Exhibit #8 in evidence
15 Mrs. White, and ask you if you can identify this document?

16 (Handing.)

17 A Yes, I do.

18 Q What is that?

19 A It's an authorization --

20 JUDGE HERMAN: Is that the card you were just
21 testifying about?

22 THE WITNESS: Yes.

23 BY MR. WEINRICH:

24 Q Does your signature appear on that card, Mrs. White?

25 A Yes, it does.

CSA Reporting

- 1 Q And did you sign the card?
- 2 A I did.
- 3 Q And fill out all the other information?
- 4 A I did.
- 5 Q Did you date the card?
- 6 A I did.
- 7 Q Following the third of October, the date that you
- 8 testified that Mr. Sciacca came to your home and signed
- 9 the card, did you have any further conversations with your
- 10 fellow employees about the union?
- 11 A The next morning, which was Friday, October the
- 12 4th, just before starting to work, Ana asked me --
- 13 JUDGE HERMAN: Who?
- 14 THE WITNESS: Ana.
- 15 JUDGE HERMAN: Go ahead.
- 16 A -- asked me if I had signed the union card.
- 17 Q What did you answer, if anything?
- 18 A I said I did.
- 19 Q Where did this conversation --
- 20 MR. SCHER: Excuse me.
- 21 Who?
- 22 THE WITNESS: Ana.
- 23 Q What name did you know the woman as?
- 24 A She said everyone called her Tat.
- 25 Q Tat?

- 1 A Tat.
- 2 Q T - A - T?
- 3 A Yes.
- 4 JUDGE HERMAN: It's the same person, I gather?
- 5 THE WITNESS: The same person, Ana and Tat.
- 6 Q And where did this conversation take place?
- 7 A Where I sit at my sewing machine.
- 8 Q Were any other employees around --
- 9 A No.
- 10 Q -- the area?
- 11 A No, not that I recall.
- 12 Q Do you recall if Mrs. Harkavy was on the working
- 13 floor at that time?
- 14 A Possibly, but I wouldn't say for sure.
- 15 Q Okay.
- 16 Do you recall if there came a time, Mrs. White,
- 17 when any representative of the company spoke with you about
- 18 the union or spoke with you and the other employees about
- 19 the union?
- 20 A I'm sorry, I don't understand the question.
- 21 Q Okay.
- 22 I'll see if I can rephrase it.
- 23 Did Mr. Harkavy ever speak with you about the union?
- 24 A Never.
- 25 Q Were you ever present when Mr. Harkavy spoke to a

CSA Reporting

1 group of employees about the union?

2 A Yes.

3 Q When was that, if you remember?

4 A On October, the -- on Friday, October the 4th.

5 Q And at what time during the day was this thathe
6 spoke to the group about the union?

7 A Near the end of our lunch period, Mr. Harkavy.--

8 Q Well, it was near the end of your lunch period?

9 A Yes.

10 Q And where did the conversation take place?

11 A Where us group of ladies sat at the table in the
12 back at the rear of the building and had lunch there.

13 Q And who was present at that time?

14 A I usually go out to eat, so I know that I came back
15 not -- you know, just before lunch was over. It was all
16 the girls that I had mentioned in my previous statement
17 that were at the table at the time I asked them about the
18 building, plus there was Richard, who, you know, runs the
19 milling machines --

20 Q Do you mean the knitting machines?

21 A Yes.

22 -- and Jo and Mrs. Harkavy and Sam -- is it Sam,
23 the presser? That's not his name.

24 JUDGE HERMAN: Who is Jo?

25 THE WITNESS: Josephine is her name. We all call

CSA Reporting

1 her Jo.

2 JUDGE HERMAN: I see.

3 THE WITNESS: I think it's Josephine. I know her,
4 as Jo.

5 BY MR. WEINRICH:

6 Q And will you tell us, if you remember, what
7 Mr. Harkavy said at this time?

8 A Mr. Harkavy asked if he would mind -- if he could
9 speak with us. I guess we nodded or said yes.

10 He told -- he said that he had heard we wanted a
11 union and he said that the union representative had been
12 in by him that morning. He said he also called his lawyer
13 and his lawyer informed him that he was \$15,000 in the red
14 for that year so far and business was very poor and he
15 could not afford increased wages. There was something to
16 the effect, also, that if we persisted, he would have to
17 close the doors.

18 Q Do you recall if he said -- I withdraw that.

19 Do you recall if he said or explained what it was
20 that if you persisted at that would make him close the
21 doors?

22 A I am not -- I don't recall if he mentioned the
23 union -- if he mentioned the union -- that if we persisted
24 in wanting the union to represent us, that he would have to
25 close the door.

CSA Reporting

1 Q Is that what he said, as you remember it?

2 A I am not sure, but that is what I implied or, to
3 me, that's what I figured it meant to be.

4 JUDGE HERMAN: Well, you're not sure that he said
5 that, though, are you?

6 THE WITNESS: Not mentioning the union, but he did
7 say he would close the shop.

8 JUDGE HERMAN: Very well.

9 BY MR. WEINRICH:

10 Q Did you have any other conversations on that day
11 concerning the union or was that it?

12 A Let me think.

13 Just a very small conversation that Jo, at the very
14 end of the day just before it was time to go home, asked
15 me what are we supposed to do now as far as the union and
16 et cetera? I told her I really didn't know. I told her
17 that I guess we would just have to wait until the rep got
18 in touch with us.

19 Q This woman you described as Jo, is that Josephine
20 O'Connell?

21 A Yes.

22 Q Did you report for work on Monday, October the
23 7th?

24 A I did.

25 Q What type of work were you doing on the morning.

CSA Reporting

1 of that day?

2 A I was working on the mauser machine.

3 Q And that would be doing the type of work you
4 described before, putting on binding?

5 A Correct.

6 Q What type of garment, if you remember, were you
7 working on that morning?

8 A I never worked on anything but coat-sweaters, ladies
9 coat-sweaters.

10 Q Did you continue to do that type of work throughout
11 the day?

12 A No.

13 Q Well, when did you stop doing that type of work?

14 A I don't know if it was just before lunch or after
15 lunch. Mrs. Harkavy told me to go on to the labeling
16 machine, which there was a lot of labeling to be done. I
17 worked on that most of -- all the afternoon; in other
18 words, I finished the labeling job at around four o'clock

19 Q What was the usual quitting time?

20 A 4:30.

21 Q Now, at the time that you were told to do the
22 labeling, had you completed all of the work --

23 A No, I didn't.

24 Q -- to be mausered?

25 A No.

CSA Reporting

1 Q About how much work was left at that point, if you
2 remember?

3 A Oh, there was a lot, there was a lot of work there
4 for me.

5 Q Well, when you say a lot of work there for you,
6 can you give us any estimate in either timewise or piece
7 wise?

8 A I would say there was at least another day's work
9 of that --

10 Q Just --

11 A -- just that particular tweed. It was a tweed-
12 coating material that I worked on.

13 Q Did you observe anybody continuing to do the type
14 of work, the mauser work, while you were labeling?

15 A I'm sorry?

16 Q Okay, I'll repeat that.

17 After you were told to stop working on the mauser
18 machine and do the labeling, did you observe anybody else
19 work on the mauser machine?

20 A When I was taken off the mauser machine to be put
21 on the labeling machine, Mrs. Murray sat at my machine and
22 worked the whole afternoon on my mauser machine.

23 Q Now, Mrs. Murray is Mrs. Harkavy; is that correct?

24 A Right.

25 Q And that's the way you referred to her in the shop

CSA Reporting

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1 as Mrs. Murray?

2 A In the shop we were asked to call her Mr. and Mrs.
3 Harkavy, we were asked to call her Mrs. Harkavy.

4 JUDGE HERMAN: Now, about what time was it when
5 you were taken off the mauser machine?

6 THE WITNESS: I don't know if it was just before
7 lunch or right after lunch, your Honor.

8 BY MR. WEINRICH:

9 Q Were you asked to call her Mrs. Harkavy or Mrs.
10 Murray?

11 A I was asked -- Mr. and Mrs. Harkavy introduced
12 themselves as Mr. And Mrs. Murray and that is how we girls
13 called them in the plant.

14 Q Okay.

15 I just wanted the record to be clear.

16 JUDGE HERMAN: That's spelled out in the pleadings,
17 Mr. Weinrich.

18 Go on.

19 MR. WEINRICH: Thank you.

20 BY MR. WEINRICH:

21 Q After you had completed the labeling, what did you
22 do then?

23 A I told Mrs. Harkavy I had finished the labeling and
24 what did she want me to do next?

25 Q And what did she say to you?

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1 A She told me there wasn't any more work for me and
2 I should punch out, punch out and go home.

3 Q Now, prior to this day, had you ever been asked to
4 punch out early before?

5 A Never.

6 Q Now, when you spoke to Mrs. Harkavy, was she still
7 working on the mauser machine?

8 A Yes, she was doing my work.

9 Q Had the tweed sweaters that you described before
10 been completed?

11 A No.

12 Q And during the period of your employment, had
13 Mrs. Harkavy ever replaced you on the mauser machine before?

14 A Never before.

15 Q Do you recall if Mrs. Harkavy said anything else
16 to you at that time?

17 A Yes.

18 Q What did she say to you?

19 A Because when she told me to go home, I guess I
20 looked at her funny. She said to me that all the work I
21 had done in the morning wasn't good and she had -- and she
22 was going to have to rip out all the lots I done that day.

23 Q Now, at the time that she first asked you to go on
24 the labeling machine had she mentioned anything to you
25 about the quality of the work you had been performing that

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1 day?

2 A Nothing, nothing.

3 Q Had you -- I withdraw that.

4 Where was the labeling machine, distance wise,
5 compared to the mauser machine that you were operating?

6 A It was the row in front of me, maybe four or five
7 feet further over to the left.

8 Q So the labeling machine was in front of the mauser
9 machine?

10 A In front of -- in the row in front of the mauser
11 machine.

12 Q Had Mrs. Harkavy ever commented upon your work
13 before during the course of your employment?

14 A I would say mostly everyday she would pass by my
15 workbench and look at my work quickly. She usually said
16 it was beautiful or usually very good.

17 Q Do you recall if earlier on the day of October 7th,
18 Mrs. Harkavy had commented upon your work on the mauser
19 machine?

20 A Never.

21 Q Do you --

22 A You mean before October 7th?

23 Q No.

24 On October the 7th, before you were asked to do
25 labeling, had Mrs. Harkavy had occasion on that day to look

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1 at your work and comment about it?

2 A Whenever I started on a -- how would I say it? --
3 the type of goods that was different in weight or con-
4 sistency -- would I be explaining that right? Do you
5 understand?

6 Q Well, I'm just trying to find out --

7 JUDGE HERMAN: You just answer the questions as
8 best you can. Don't ask if that's the way the people
9 understand it.

10 THE WITNESS: All right.

11 BY MR. WEINRICH:

12 Q What I'm trying to find out on is, on the particular
13 day in question --

14 A She examined that in the morning and told me it
15 was very good.

16 Q That was on October the 7th?

17 A On October the 7th.

18 Q And at that time, did she say anything about your
19 pulling the work too tight when she examined the work in
20 the morning?

21 A I -- I don't recall, but I really and truly don't
22 think she did.

23 Q Now --

24 JUDGE HERMAN: Well, was your question whether at
25 the time Mrs. Harkavy commented favorably on her work that

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day --

MR. WEINRICH: Whether she also made any --

JUDGE HERMAN: Whether she criticized it?

MR. WEINRICH: -- whether she also made any criticism on the work.

A Well, she did at four o'clock.

Q I mean at the time she commented favorably, did she also make any criticism?

A No criticism.

JUDGE HERMAN: Well, what did you mean then, ma'am, when you said you can't really remember?

THE WITNESS: Well, I don't know if criticism would be good of a harsh word.

I mean, like, when she would examine, like I said, at least once a day, she always took a look at, you know, one or two pieces to look how it was done. And sometimes she usually told me it was very good or beautiful. But being new on the machine, she was also teaching me.

Throughout the time I worked there, each material, you have to ease it or pull it or hold it a little bit differently. And she would just, like, comment, Mary, you have to pull it a little bit more or don't pull it as much. Sometimes she did and sometimes she didn't have to say. And that was all. And I would not consider that criticism.

JUDGE HERMAN: But it is possible that at the time

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1 that she told you earlier that day that you were doing
2 good work, she may have commented adversely on a particular
3 piece as being too tight?

4 THE WITNESS: Yes, that is what I'm trying to say.

5 BY MR. WEINRICH:

6 Q Well, do you remember specifically on that morning
7 whether she did comment adversely as to any particular
8 piece being too tight, on the morning of October 7th before
9 you were asked to do labeling?

10 A That's what I'm saying, I'm not sure, I don't recall.

11 Q Okay.

12 After you went on the labeling machine, were you
13 able to observe whether Mrs. Harkavy was doing new work
14 or whether she was redoing the work that you had already
15 done on October th 7th?

16 A New work?

17 Q Did you have any further conversation with Mrs.
18 Harkavy on the afternoon of October 7th after she told you
19 to punch out?

20 A She told me not to come in Monday and there wasn't
21 any work for me at present and would I call her the next
22 week to find out if she had work for me or not.

23 Q Now, at the time that you left on October the 7th
24 after being told there was no work available for you, had
25 you at that point observed if there was any mauser work left

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1 to be done?

2 A Yes.

3 Right in back of me I had great big boxes, and
4 that's where the work was.

5 Q Was there work in those great big boxes?

6 A Yes.

7 Q Was there work -- strike that.

8 Was that work on the same style garment that you
9 had been working on?

10 A On the tweeds, yes.

11 Q Do you have any idea or do you know how much work
12 was there?

13 A It is hard for me to judge or as to judge how long
14 these operations would take, because sweaters are new to
15 us. But I would say that maybe about a day's work,
16 possibly.

17 Q At the time that you were laid off, from your
18 observation of the company's operation, was there a slow-
19 down of work at that time?

20 A You mean as far as I'm concerned?

21 Q As far as you were concerned and as far as the
22 operations in front of you.

23 Were things being prepared by the workers before you

24 A Everyone was working and no one that I know of was
25 slowing down.

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1 Q Did you see any garments being worked on or being
2 cut that would have eventually come to you to be mausered?

3 A Well, Grace was working and Carmen was working and
4 their operations comes before mine, so their work would
5 come to me. What they were working on at that time would
6 come to me to be worked on the mauser machine.

7 Q Was the -- strike that.

8 Were the knitting machines operating at that time?

9 A I don't know. I don't recall.

10 Q Do you know if any new garments were being cut at
11 that time?

12 A I -- when you're working, you don't observe all
13 these things.

14 Q Did you --

15 A A possibility that Donna was separating goods, but
16 I'm not sure. I don't recall. I'm not sure.

17 Q Were you given -- prior to the afternoon of
18 October the 7th, were you given any warning by Mr. or
19 Mrs. Harkavy of an impending layoff?

20 A No.

21 Q When did you receive your pay?
22 What day of the week was payday?

23 A Wednesday.

24 Q Wednesday?

25 A Yes.

1 Q And when you received your pay, were you paid in
2 cash or by check?

3 A Check.

4 Q And what period of time did that payment cover?
5 Do you know what the payroll week was?

6 A I think from Monday to Friday and, like, when you
7 got paid, two days was held back. I think that was what
8 it was.

9 MR. WEINRICH: Can you stipulate as to what the
10 payroll week --

11 JUDGE HERMAN: Do you want to go off the record?

12 MR. WEINRICH: Please.

13 JUDGE HERMAN: Yes.

14 Off the record.

15 (Discussion off the record.)

16 JUDGE HERMAN: Back on the record.

17 Mr. Weinrich.

18 BY MR. WEINRICH:

19 Q Did you go to the Solboro plant on the next day,
20 Tuesday, October the 8th?

21 A Gee, I did.

22 Q Did you report to work on that day?

23 A I was laid off the day before.

24 Q So, for what purpose did you go to the plant on
25 October the 8th?

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1 A On Monday evening Mr. Sciacca called me and told me
2 that they were -- that I should come to Solboro early in
3 the morning to give out circulars to the remaining em-
4 ployees about representing the union.

5 Q And is that -- and did you report that morning?

6 A I got there around 7:30 and met Mr. Sciacca there
7 in front of the plant.

8 Q Who else was there, if you remember?

9 A Business agent Clara and Grace came and Donna came
10 and Joyce came.

11 Q And were you given anything by Mr. Sciacca that
12 morning?

13 A I was given a button, a union button with the
14 union letters on it. I was given circulars that he asked
15 me if I would give it out to the employees as they arrived
16 into the plant that morning.

17 Q Well, did you wear the button --

18 A Yes.

19 Q -- that you were given?

20 A Yes, I did.

21 Q Where did you position yourself that morning?

22 A Well, I guess it was just -- if there was a curb
23 there, I mean a sidewalk. there, we would have been on the
24 sidewalk. Being it was no sidewalk, we were sort of in the
25 driveway.

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1 Q Did you observe Mr. and Mrs. Harkavy in that
2 morning?

3 A They were the first to arrive.

4 Q And where were you when they arrived?

5 A Near the front of the parking at the curb.

6 Q Who were you standing with, if you remember?

7 A The group I just mentioned.

8 Q Okay.

9 Now, you testified that Mrs. Harkavy had told you
10 to call her about future work on the 7th of October, on
11 the day that you were told to punch out, that there was
12 no work available, you said she told you to call her.

13 A Right.

14 Q Did you subsequently call her?

15 A Yes.

16 Q When did you call her?

17 A I called her around the -- I think on the 15th of
18 October and asked her if there was any work.

19 Q And what did she say at that time?

20 A She told me no, there wasn't any work.

21 Q And did you speak with her after that?

22 A Yes, I know I called during all the time about two
23 or three times, inquiring about if there was work available.

24 Q And what were you told on those two or three other
25 occasions?

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1 A Well, I think I recall -- I think I recall the
2 second time she told me that all the buyers were in
3 Hong Kong at a meeting and at present, she wouldn't know
4 how much work we would have until they returned, all the
5 buyers were in Hong Kong. And when they returned, she
6 said she would know more about how much work she would
7 have.

8 Q Now, after October --

9 JUDGE HERMAN: Well, let's -- all right. That was
10 the second time you thought. You said you called her two
11 or three times.

12 What was the response?

13 THE WITNESS: Well, I called her the first time
14 because when I -- she told me to call a week later, which
15 I did, and she told me there was no work. And then she
16 told me, when I called again and asked, that the buyers
17 were all in Hong Kong and when they returned, she would
18 know more, how much work she was going to have.

19 JUDGE HERMAN: And that was the last time you
20 called?

21 THE WITNESS: No.

22 I did call again.

23 JUDGE HERMAN: Yes?

24 THE WITNESS: And she still told me there was no
25 work. She said she would call me if she received work for me.

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1 BY MR. WEINRICH:

2 Q Now, after October 7th, did you ever have occasion
3 to return to Solboro and to enter the plant?

4 A Yes, I went, I think, the first Wednesday to pick
5 up my check.

6 Q The first Wednesday after October 7th?

7 A I think so, yes, as I recall.

8 Q Did you speak with either Mr. or Mrs. Harkavy
9 at that time?

10 A Mrs. Harkavy, I spoke with Mrs. Harkavy.

11 Q Did you speak with her concerning the availability
12 of work at that time?

13 A I asked her then at that time. She said no, she
14 did not know, she had no work for me.

15 Q Now, were you able to observe the working floor of
16 the Solboro plant on that day?

17 A I was up in the front, but I could see in the back
18 not what -- not really anything but there were people
19 working there in the back.

20 Q Could you see who was working and what they were
21 doing?

22 A I couldn't see what they were doing.

23 Q Did you see if anybody was operating the mauser
24 machine that you had operated?

25 A No, I could not. There are boxes on both sides of

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1 that aisle. It's a long aisle. I don't think from where
2 I was standing I could see the mauser machine.

3 Q Could you see if anybody was operating the machine

4 JUDGE HERMAN: Now, you just asked her what was
5 a leading question, which wasn't objected to, and I'm not
6 going to allow you to ask another one. She said she
7 couldn't tell what they were doing.

8 BY MR. WEINRICH:

9 Q Did you see anybody working on any of the other
10 machines?

11 A I saw them working at other machines, saw, like,
12 their heads.

13 Q Did you see what machines they were working at?

14 A Tat, I could not see, I don't think.

15 Carmen, possibly.

16 JUDGE HERMAN: You mean you saw who was working?

17 THE WITNESS: Who was in the plant working at a
18 machine.

19 What they were doing, I could not see.

20 MR. WEINRICH: Okay. I'm finished with that
21 area, your Honor.

22 BY MR. WEINRICH:

23 Q During the course of your employment, did you
24 receive instructions concerning your work by anybody else
25 but Mrs. Harkavy?

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1 A No.

2 Q Do you know how long it took between the time that
3 goods were cut and earlier operations were performed for
4 those goods to reach you?

5 A How long it took?

6 Q Yes.

7 JUDGE HERMAN: I don't know how she can answer that
8 question.

9 A I couldn't answer that accurately.

10 MR. WEINRICH: No further questions, your HONOR.

11 JUDGE HERMAN: Mr. Kushner?

12 MR. KUSHNER: No questions at this time, your
13 Honor.

14 JUDGE HERMAN: We'll be in recess for ten minutes.

15 (Time noted: 11:30 a. m.)

16 JUDGE HERMAN: On the record.

17 Mr. Scher, cross examination.

18 CROSS-EXAMINATION

19 BY MR. SCHER:

20 Q Mrs. White, during the period of time that you
21 worked for the company from late in August until the first
22 week of October, did you work on a number of different
23 machines?

24 A Three machines.

25 Q And in your being moved from one machine to another

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1 was it Mrs. Harkavy who decided what work you would do
2 and what work you would not do?

3 A Yes, she did.

4 Q And would she take a look at the work that you
5 were doing and examine the garment before making a decision
6 as to whether you would continue to work on that machine
7 or work on another machine?

8 A No, I would not say that, no.

9 Q Well, didn't you testify that she was the person
10 who examined your work from time to time during the working
11 day?

12 A Yes, she did. Maybe I didn't understand your
13 question, the first one, if you'll repeat it.

14 Q All right.

15 Mrs. Harkavy was fully familiar with the work that
16 you were able to do and did do while you worked --

17 A Correct.

18 Q -- for several weeks that you were with the company;
19 correct?

20 A Correct.

21 She taught me every machine that I worked on there.

22 Q As a matter of fact, when you were hired by the
23 company, hadn't you told her that you were experienced in
24 working on the merrow machine?

25 A That I worked on -- yes, I did.

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1 Q And hadn't you told her that you had had ten months
2 of experience working on that machine?

3 A Yes, I did.

4 Q And hadn't you used that statement to influence
5 what she would pay you to start work?

6 MR. KUSHNER: Objection.

7 JUDGE HERMAN: Overruled.

8 A It could be, but there's a possibility it could
9 not be through our conversation in her office when I was
10 interviewed.

11 Q Well, as a matter of fact, didn't she offer you one
12 rate of pay and you told her that you were more experienced
13 and you were --

14 A No, that is the pay that she specified the day I
15 was hired. There was no dickering whatsoever about a
16 raise of pay, but any pay. That was the price she quoted.
17 me.

18 Q Well, when you started to work for the company,
19 weren't you offered by Mrs. Harkavy two dollars an hour?

20 A No, never, I was not.

21 Q All right.

22 Now, when you started work on the merrow machine,
23 wasn't it after a very short period of time that you were
24 moved to a second machine?

25 A I never really worked on the merrow machine as far

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1 as operating, production work. She put me on the mauser --
2 she taught me -- the day I was hired, the first morning
3 I came in, she put me and taught me how to run the
4 mauser machine.

5 Q The first day?

6 A The first day, how to run the mauser machine, yes.

7 Q Now, of the three machines that you worked on,
8 Mrs. White, isn't the mauser the easiest machine?

9 A I liked it, the machine, I liked working on it. In
10 a sense, yes. But the labeling machine --

11 Q All right.

12 Now, isn't it a fact that everybody in the shop can
13 operate the mauser machine?

14 A I do not know that.

15 Q Well, in the time that you were there at the
16 company, you saw, at different times, different people
17 working the mauser machine; isn't that correct?

18 A Never, never.

19 Q Were you able to learn to work the mauser in just
20 that one time that Mrs. Harkavy showed you how to work it?

21 A I sat at the mauser -- she sat at the mauser machine.
22 She showed me a few pieces, a few sweaters going through.
23 She sat me at the mauser machine. I ran it through. She
24 just would tell me -- she just told me like this is how
25 tight or loose I want you to hold this work. I sat there

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1 and I worked it. At the beginning it was like maybe a
2 couple of times a day she would look at it and she would
3 just say to me, just a little tighter, Mary, very good.
4 As a matter of fact, she said to me the very first day
5 that she liked the way I held my work, which is important.

6 Q All right.

7 How long after that first day were you tried on
8 the merrow machine?

9 A Oh, it isn't that she put me on the merrow machine,
10 I asked to see if I could work on the sweaters, if she
11 would let me try it. She didn't put me on it.

12 Q Now, the merrow machine, as you understand it, is
13 what kind of a machine?

14 A The merrow machine is a machine that makes your
15 side seams on the sweaters, closes the seams and puts an
16 edging on the front and around the next before the binding
17 is put on to the sweater. It closes the sweater.

18 Q All right.

19 Now, isn't it a fact that after you requested, as
20 you said, to work on the merrow machine, and Mrs. Harkavy
21 put you on the merrow machine, that she had to take you off
22 the merrow machine?

23 A Yes, she took me off the merrow machine because it
24 was too fast for me.

25 Q All right.

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1 A It's entirely different kind of work, sweaters,
2 to handle than it is knit goods, not on knit goods.

3 Q All right.

4 What was the second machine that she put you on,
5 other than the mauser?

6 A I would call it either a tacking or a button
7 machine. But on that machine I put, when I first came,
8 all the -- tacked all the fur collars and cuffs on to the
9 sweaters.

10 Q Now, how many days were you able to work on that
11 machine?

12 A I didn't work on it steady in the day, you know,
13 like by days.

14 As far as I was told -- and this tacking machine
15 was next to my mauser machine. And whichever work needed
16 to be done to get out, I was either put on either or, and
17 I worked back and forth between the two machines, between
18 putting fur collars and fur cuffs and the binding on the
19 sweaters.

20 Q And didn't there come a time, though, shortly after
21 you had begun working on that second machine when you were
22 told that you would not be doing that anymore and you would
23 be doing strictly mauser?

24 A Not really, no.

25 Q Well, did you do anymore work on that second machine

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1 or didn't you stop working on it?

2 A After I was hired, the next day Joyce was hired.
3 She was also taught to do the collars, the fur cuffs on
4 not my machine that was next to me but the next machine
5 over.

6 Q Now, at the time that Joyce was hired, you, however,
7 were doing the collars on the second machine?

8 A Before she was hired.

9 Q Before Joyce was?

10 A Right.

11 Q All right.

12 A Now we both were doing it.

13 Q Right.

14 And was there work for both of you?

15 A Work for both of us.

16 Q All right.

17 Then did Mrs. Harkavy have to tell you to stop
18 doing that work and switch you over and work on the mauser?

19 A It was a case of where it ended up that Joyce was
20 doing the buttonholes and the buttons, plus the collars
21 and the cuffs, and I was doing the mauser. If needed, that
22 Joyce could not -- was too busy with the other work -- well,
23 between the two of us, we did the cuffs.

24 However, -- in other words, if one -- all the time
25 I worked there, in between, I still went on the collars and

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1 cuffs if it was needed to be gotten out. Joyce would also
2 do it. But near the end of the -- like, the end of August,
3 I was doing all the labeling besides and I could not handle
4 the three machines and get everything all out at once, so
5 it was whichever had to go out that was most important to
6 go out. I don't know how else to say it.

7 Q But as a matter of fact, didn't Mrs. Harkavy have
8 the same problem with your work on collars as she had
9 found with your work on the merrow machine?

10 A She never -- no one ever told me that.

11 Q Well, at the time that Mrs. Harkavy took you off
12 working on collars and said to you now work on the mauser,
13 did she talk to you about your work?

14 A She did not specify that she too me off collar and
15 now mauser was my specific job.

16 I still worked on all three machines.

17 Some days I worked on the collars and cuffs, some
18 days I was on the labeling machine; everyday I was on the
19 mausering machine. But I never knew which day or when I
20 would be on the collars and cuffs or the labeling -- well,
21 the labeling machine I did, too. The collars and cuffs
22 I never knew unless they were piled up or it had to get
23 out.

24 I was pulled off something and put on that to
25 finish the work.

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1 Q All right.

2 Now, you say that during late August you worked
3 on the labeling machine as well as the mauser?

4 A Right.

5 Q And this was true, was it, all during September,
6 also, that you worked on the labeling machine, also?

7 A Yes, and the cuffs and the mauser machine.

8 Q All right.

9 Now, on direct examination, Mrs. White, you talked
10 about Mrs. Harkavy moving you from the mauser machine on
11 the morning of October 7th over to the labeling machine as
12 though that was some surprise to you.

13 A No.

14 Q Was that, in effect, a surprise to you?

15 MR. WEINRICH: Objection, your Honor.

16 A No.

17 JUDGE HERMAN: Overruled.

18 This is cross examination.

19 A No.

20 JUDGE HERMAN: She can answer.

21 A Would you repeat the question? I know the answer
22 is no, but I want to --

23 Q Yes.

24 On direct examination, you talked about Mrs. Harkav
25 assigning you work on the labeling machine on the morning

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1 of October 7th as though that was some surprise to you.

2 A No, no, I didn't say that, that that was a surprise
3 to me.

4 I didn't act as though it was.

5 That was the normal procedure because there was
6 a lot of labeling to be done that had to get out -- that
7 had to go for the -- that had to get out.

8 Q As a matter of fact, with relation to the work that
9 you did on the mauser machine on the morning of October
10 7th, have you had the occasion to learn from other em-
11 ployees who continued to work at the shop what happened to
12 the lot that you worked on that morning, on the morning
13 of October 7th?

14 A From any of the other --

15 Q Yes.

16 A -- operators?

17 Q Yes.

18 A No, I do not know what happened to the lot that I
19 worked on that morning, that was that I had finished on the
20 knitwear -- the tweed goods.

21 Q Well, on the afternoon of October 7th, then, did you
22 observe what Mrs. Harkavy did with the work that you had
23 worked on in the morning of October 7th?

24 A In the afternoon Mrs. Harkavy was constantly working
25 on new work of this tweed and producing more work of the

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1 same style work that I had already finished.

2 Q And did you have the occasion to see what happened
3 to the work that you had done that morning?

4 A No.

5 Q When you went to work on the labeling machine that
6 afternoon on October 7th, did you have any difficulty
7 working that afternoon?

8 A No.

9 Q Did you have any problem with the work that you
10 were doing, with the labels that you were working on?

11 A No, no.

12 Q Do you happen to remember what your output was
13 that afternoon?

14 A There was a lot of work there that I recall. I
15 put out a lot of labels.

16 Q Do you recall --

17 A Because in -- beg your pardon?

18 Q Do you recall having that conversation with Mrs.
19 Harkavy in which she raised the discussion with you about
20 how much work you were getting out that afternoon in the
21 labeling machine?

22 A No.

23 She never once in all the time I worked there,
24 questioned me of how much work I was getting out.

25 Q Mrs. White, you testified that at the time you were

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1 hired that you had advised Mrs. Harkavy that you had worked
2 for another company in this industry for some ten months
3 or so.

4 Is that correct?

5 A In garment industry but not on sweaters.

6 Q Now, are you familiar with the garment industry
7 in general?

8 A I'm fairly new at this type of work. I had told
9 Mrs. Murray when I was hired that I was new at the work,
10 I'm not in this business -- was not an operator long.

11 Q Were you aware of the fact -- strike that.

12 Does the concept of the work in companies like
13 Solboro and the company that you had worked at -- was it
14 Kenwood?

15 A Right.

16 Q Was the concept of seasonal work familiar to you,
17 seasons in the garment industry?

18 A Yes.

19 I mean, it is familiar, yes.

20 Q And you know people who've worked in various
21 companies like Kenwood or Solboro as machine operators?

22 A Well, the company I worked for was not seasonal
23 work, it was all-year-round work. But I had heard
24 operators discussing different things of seasonal work,
25 certain types of work were seasonal work.

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1 A I recall one time speaking to Tat, or Ana,
2 whichever --

3 Q Are you talking about Ana Nemec?

4 A Yes.

5 -- asking her if there was a layoff ever, you know
6 whether you're laid off a long time, like, in a certain
7 time of the year from this company.

8 And Tat told me that that usually -- now, she
9 worked there the longest that I -- that I think was the
10 longest that I know of. And that's the reason I asked
11 her. I figured she would know.

12 JUDGE HERMAN: Don't explain why.

13 THE WITNESS: All right.

14 JUDGE HERMAN: Just tell us what happened.

15 THE WITNESS: All right.

16 (Continuing)

17 A I asked her if there was a long layoff in this
18 company.

19 She told me, the shop is open mostly all year,
20 there's just a little lull right after the Christmas and
21 New Year's holidays, that she is off a week or two. And
22 her being a sewing machine operator, I assumed that this
23 was the machine operators, worked almost all year. She
24 did say that some of the floor girls -- well, I don't know
25 whether they call them floor girls -- the examiners and so

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1 on and so forth may have had a little longer time off.
2 I just said I was glad to hear that, not as far as those
3 girls being off but that a sewing machine operator worked
4 most of the year.

5 Q Well, do you recall having any discussions about
6 what had happened the previous year, for example?

7 MR. WEINRICH: Your Honor, I renew my objection.
8 I don't see the relevance of her discussions on these
9 subjects with a fellow-employee to this case.

10 JUDGE HERMAN: And I'm renewing my rejection of
11 your objection.

12 Answer the question.

13 A I'm sorry, you'll have to repeat the question.

14 Q Sure.

15 Do you recall having any discussions with any of
16 the women about what had happened at Solboro regarding
17 layoffs the previous year?

18 A One other incident, I don't recall who, it was at
19 lunch where the girls mentioned something about last year
20 they were off quite a while. It was a couple of months,
21 I think.

22 Q As a matter of fact, isn't it a fact that from
23 around the --

24 A But not the machine operators.

25 Q -- that from around the middle of September --

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1 A But not the machine operators.

2 Q Well, isn't it a fact that from around the middle
3 of September on, everyone was talking about the layoff
4 that was coming up?

5 A No, not the layoff that was coming up. I did not
6 say that.

7 Q No, I didn't say that you said it, I said that
8 isn't it a fact that from around the middle of September
9 on, Mrs. White, all of the people in the shop were talkin
10 about the layoff that was coming up?

11 A The only time that we girls could talk like that i
12 the shop was during lunch.

13 Q All right, whenever you talked about it.

14 A I was one of the few people that very seldom ate
15 in the plant. I was only back maybe about five or three
16 minutes, so I had very little opportunity to --

17 Q Mrs. White, let me make something clear. I'm not
18 now criticizing or getting at the question of when you
19 would have talked about this or whether it would have
20 been improper to talk about it during working hours, I'm
21 not concerned at all about that.

22 I just want to get at the discussions that you were
23 in or the comments that were made about the layoff that
24 was coming up. I don't care whether it took place during
25 working hours or not.

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1 A I had said before, I recall the girls saying that
2 last year there was a longer layoff for not the machine
3 operators but for the girls that examined or the different
4 other categories other than the machine operators. And
5 that is all I remember of any conversation --

6 Q Were you aware --

7 A -- of any conversation of that sort.

8 Q All right.

9 Were you aware, Mrs. White, of the fact that the
10 knitting machines in the shop were substantially closed
11 down in the middle of September?

12 A I never really observed.

13 If it had --

14 Q Had you had any discussions or was there any talk
15 about that in the shop that you heard?

16 A Not that I heard, not that I recall that I heard.

17 JUDGE HERMAN: Just answer the questions.

18 THE WITNESS: All right.

19 BY MR. SCHER:

20 Q On direct examination you were able to answer a
21 number of questions relating to your estimates and guesses
22 on how long it took work to come to you and what the
23 relationship of other work in the shop was to the work
24 that you would eventually do on the mauser machine.

25 Now I'd like to ask you, did you do any discussing

CSA Reporting

1 told me. That was all that I was interested in.

2 Q Had you ever seen, before October 7th -- had you
3 ever seen Mrs. Harkavy operate the mauser machine?

4 A During my working hours, no.

5 Q And didn't you say on direct examination earlier
6 that Mrs. Harkavy showed you how to work the machine and
7 that she would also work the mauser machine?

8 A Oh, I didn't know you meant when she was teaching
9 me or showing me -- when she was teaching me on the
10 machine, I thought you meant that she was doing, like, a
11 production job, production work.

12 Q Well, aside from that, didn't you also testify on
13 direct examination that when you shifted over to working
14 on labeling, that she worked on the mauser machine?

15 A On -- just on that one day, Monday afternoon,
16 October the 7th.

17 Q All right.

18 Then let's just talk about the times the she was
19 teaching you and instructing you.

20 A Okay.

21 Q Were you able to see how she operated the mauser
22 machine?

23 A Right.

24 Q Were you able to see how good she was, how fast she
25 worked?

CSA Reporting

1 MR. WEINRICH: Objection.

2 Irrelevant, your Honor.

3 JUDGE HERMAN: Overruled.

4 A People showing you something to teach you do not
5 work fast, they go slow to show you how it goes.

6 Q All right.

7 You said that at the time that you moved over to
8 the labeling machine on the 7th, you estimated that there
9 was possibly a day's work left on the mauser machine.

10 A Correct.

11 Q Would you offer a judgment as to whether it would
12 have taken Mrs. Harkavy a full day to do that load of
13 work?

14 MR. WEINRICH: Objection.

15 She has no -- she hasn't --

16 JUDGE HERMAN: Overruled.

17 Answer the question, please.

18 A I could not answer that correctly because I don't
19 know how Mrs. Harkavy -- because I don't know how fast
20 Mrs. Harkavy works.

21 Q Incidentally, you testified that the work that
22 Mrs. Harkavy was doing after you switched over to the
23 labeling machine, was new work.

24 Is that correct?

25 A Correct.

CSA Reporting

1 Q Had you ever done that work before that Mrs.
2 Harkavy was doing, that new work?

3 A When you say "new work," you mean material wise?

4 Q I mean work that has either --

5 JUDGE HERMAN: Well, what did you mean when you
6 said "new work"?

7 THE WITNESS: Work that -- work that has never been
8 worked on or --

9 JUDGE HERMAN: You mean as distinguished from the
10 work you had done?

11 THE WITNESS: Or new work could be a different
12 grade of material other --

13 JUDGE HERMAN: I don't want to know what it could
14 be, I want to know what you meant when you used the word
15 "new work."

16 THE WITNESS: Well, I think in the back of my
17 mind, your Honor, I have the work that I had done that
18 morning, I'm meaning that work that I had not worked on
19 that morning.

20 JUDGE HERMAN: Okay.

21 BY MR. SCHER:

22 Q On direct examination, one of the things that you
23 had testified to was the fact that you did not have any
24 notice of your layoff.

25 Is that correct?

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1 A What's that?

2 Q You had no notice from the company, aside from
3 when you were told that there was no more work for you,
4 that you had no notice of layoff?

5 A You mean pre-notice?

6 Q Right.

7 A No.

8 Q Now, can you recall, either from conversations
9 with other employees or some other way that you had
10 knowledge of it, what the practice of the company was so
11 far as layoffs are concerned?

12 MR. WEINRICH: I object, your Honor.

13 JUDGE HERMAN: Overruled.

14 A No.

15 Q Wasn't it --

16 A I had no --

17 JUDGE HERMAN: And I wish you could not continue
18 to raise objections that clearly relate to direct testimony

19 MR. WEINRICH: Well, your Honor, let me just state
20 the reason for my objection fully once and for all, and
21 then I will stop if you insist. But the counsel is asking
22 this witness, who from her own testimony had never been
23 part of a layoff before, whether she knows if warning was
24 ever given in prior layoffs. The only way this witness
25 would know would be through the conversations of other

CSA Reporting

1 employees which could not establish the fact whether notice
2 was or was not given. Her testimony on direct examination
3 on that point was limited to the fact whether she was
4 given notice on that occasion.

5 JUDGE HERMAN: You asked her whether she had had
6 any warning prior to the actual layoff that one was
7 impending.

8 MR. WEINRICH: Right.

9 JUDGE HERMAN: And all of these questions relate
10 to that. That's why I've overruled your objections.

11 MR. WEINRICH: Well, I --

12 JUDGE HERMAN: Now proceed, Mr. Scher.

13 BY MR. SCHER:

14 Q As a matter of fact, Mrs. White, didn't you know
15 that at Solboro Knitting when people were laid off, they
16 were told the day that they were laid off that they were
17 going to be laid off?

18 A How could I know that?

19 JUDGE HERMAN: If you didn't know, just say you
20 did not know.

21 A No, I did not know.

22 Q Well, in the discussions that you had had with Ana
23 Nemec, or with any other employee, hadn't the subject of
24 how you got laid off at Solboro ever come up?

25 A No.

CSA Reporting

1 Q Had you ever asked anyone the question of whether
2 you were told in advance --

3 A No.

4 Q -- about being laid off?

5 A No.

6 Q Incidentally, Mrs. White, after the time that you
7 were laid off by the company, did you inquire anywheres
8 else about the possibility of obtaining machine operator
9 work in any other company?

10 A I have --

11 MR. WEINRICH: Objection.

12 JUDGE HERMAN: Sustained.

13 BY MR. SCHER:

14 Q When you came back to the company, as you testified
15 on October 8th and then since the first Wednesday after
16 the 7th would have been October 9th, which is the day you
17 testified that you came back to get your check, did you
18 have the occasion to find out and did you learn that the
19 knitting machines were stopped?

20 A I'm not an observing person like that.

21 I --

22 JUDGE HERMAN: Just answer the questions.

23 A No, no.

24 THE WITNESS: I'm sorry, your HONOR.

25 JUDGE HERMAN: Try just to answer the question.

CSA Reporting

1 BY MR. SCHER:

2 Q Did you learn from any other employees or from
3 any other conversations that you had with anyone about
4 the fact that the company had lost orders that there was
5 a drop-off of work?

6 A I don't recall.

7 MR. SCHER: I have no further questions.

8 JUDGE HERMAN: Redirect?

9 MR. WEINRICH: Yes, your Honor.

10 REDIRECT-EXAMINATION

11 BY MR. WEINRICH:

12 Q Do you recall, Mrs. White, if during the week
13 preceding your layoff, the week of Monday, September 30th
14 through Friday, October fourth, you had worked at all on
15 the collar and cuff machine?

16 A Toward the end I was beginning to slowdown on work,
17 not working as much on the collars and cuffs. I was
18 needed more at the labeling machine. And between the
19 mauser and the labeling machine, it was a little heavy
20 and did not give me enough time to work on the collars and
21 cuffs. I don't recall if I worked on collars, fur collars
22 and cuffs, that week.

23 Q Who made the determination as to where you would
24 work, whether you would go to labeling, to collars and
25 cuffs, or on the mauser?

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1 A Always --

2 JUDGE HERMAN: We've gotten that already, Mr.
3 Weinrich.

4 MR. WEINRICH: No further questions, your Honor.

5 JUDGE HERMAN: Anything, Mr. Kushner?

6 MR. KUSHNER: No questions.

7 JUDGE HERMAN: Do you have any recross?

8 MR. SCHER: No, I don't.

9 JUDGE HERMAN: You're excused, Mrs. White.

10 THE WITNESS: Thank you, your Honor.

11 (Witness excused.)

12 JUDGE HERMAN: We'll be in recess until 1:30,
13 gentlemen and ladies.

14 (Time noted: 12:20 P. M.)

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CSA Reporting

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(P. M. Session started at 1:30 P. M.)

JUDGE HERMAN: On the record.

MR. WEINRICH: Your Honor, General Counsel calls
as its next witness, Ana Nemec.

Whereupon, ANA NEMEC, was called as a witness and
having been first duly sworn by the Administrative Law
Judge, was examined and testified as follows:

DIRECT-EXAMINATION

BY MR. WEINRICH:

What is your full name?

A Ana Nemec.

Q What's your home address?

A I live at 1065-Ocean Avenue, Bohemia, Long Island

JUDGE HERMAN: Please keep your voice up.

THE WITNESS: Yes, sir.

BY MR. WEINRICH:

Q Mrs. Nemec, have you ever been employed by Solboro
Knitting Mills?

A Yes, sir.

Q Would you tell us when you started working for
Solboro Knitting Mills?

A It was about six years ago.

Q And do you recall in what month you began working
six years ago?

A September.

CSA Reporting

1 Q And most recently, say, in the past eight months,
2 what type of work have you been doing for Solboro Knitting
3 Mills?

4 A The past eight months I work at the fur machine.

5 Q And what type of machine is that, the fur machine?

6 A Well, it's a new machine that we have, and you
7 put, like, a binding on the fur cuffs and collars that we
8 were making.

9 Q And have you been working on that machine regularly
10 during that period of time?

11 A No.

12 I was working on and off. Most of the time I
13 worked the machine, but then once in awhile I was moved
14 to another one when they needed me there.

15 Q What type of machine would you work on when you
16 were moved from the fur machine?

17 A I put labels on and I worked the blind stitch.

18 JUDGE HERMAN: Will you repeat that?

19 What was it, blind stitch?

20 THE WITNESS: Yes, blind stitch.

21 BY MR. WEINRICH:

22 Q And during the course of your employment with the
23 company, what other machines, if any, have you operated?

24 A All the ones that we have in the shop.

25 Q The merrow machine?

CSA Reporting

1 A That's the only one that I knew how to work but
2 didn't have that much experience on it.

3 Q Would you work on that machine from time to time

4 A Yes, I did.

5 Q What about the mauser machine?

6 A I know how to work that one, too.

7 Q When was the last time you worked that machine,
8 if you remember?

9 A It was the end of October.

10 Q During the time that you were employed by Solbo
11 Knitting Mills, did there ever come a time when you were
12 contacted by a representative of Local 107, of the International
13 Ladies' Garment Workers' Union?

14 A Yes, sir.

15 Q Do you recall when you were first contacted, the
16 month?

17 A I think it was September.

18 Q Would that be September of this past year, 1974

19 A Of '74, yes.

20 Q How were you first contacted, if you remember?

21 A He was to my house a couple of times.

22 JUDGE HERMAN: Who?

23 THE WITNESS: Mr. Sciacca.

24 BY MR. WEINRICH:

25 Q Do you recall if on any of the visits to your home

CSA Reporting

1 Mr. Sciacca gave you a union card?

2 A Yes, he did.

3 Q Did you have a conversation with him about the
4 card at that time?

5 A Yes.

6 He was -- he was telling me about all the benefits
7 with the union and all this. He then said if I wanted
8 him to represent me, I will have to sign the card.

9 Q Did you sign the card at that time?

10 A Yes, yes, I did.

11 Q And did you fill out the other information on the
12 card when you signed it?

13 A Yes, sir.

14 Q I show you General Counsel's Exhibit # --

15 JUDGE HERMAN: Four.

16 MR. WEINRICH: Thank you.

17 Q --4, which is already in evidence, and ask you if
18 this is the card that you signed?

19 (Handing.)

20 A That's right.

21 Q And does your signature appear --

22 A Yes.

23 Q -- on that card?

24 A Yes, right here (Indicating.)

25 Q Now, this card is in Spanish; is that correct?

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- 1 A Yes, sir.
- 2 Q And you read Spanish?
- 3 A Yes, sir.
- 4 Q And you read the card?
- 5 Did you read the card before you signed it?
- 6 A Yes.
- 7 Q Now, there's a date contained on that card.
- 8 A Yes.
- 9 Q Is that date filled in in your handwriting?
- 10 A Yes, sir.
- 11 Q And did you date that card on the day you signed
- 12 A Yes, I did.
- 13 Q Now, after Mr. Sciacca was -- strike that.
- 14 Where were you when you signed that card?
- 15 A In my home.
- 16 Q After Mr. Sciacca was at your home, did you ever
- 17 have occasion to see him in the Solboro plant?
- 18 A Yes, I did once.
- 19 Q Do you recall when that was and what month it wa
- 20 A I don't really remember. It was one Friday morn
- 21 Q And what did you observe Mr. Sciacca do that
- 22 morning, if anything?
- 23 A Well, he came in the place with the lady, and th
- 24 both went in the office.
- 25 Q And did you see Mr. Sciacca leave the plant that

CSA Reporting

1 morning?

2 A Yes, I did.

3 Q Could you tell us about how long he spent in the
4 plant?

5 A Maybe about five minutes.

6 Q Did he speak with you that morning?

7 A No.

8 Q I see.

9 Do you recall if on the same morning you saw
10 Mr. Sciacca, whether you had a conversation with Mrs.
11 Harkavy?

12 A Yes, I did.

13 Q And about how long -- strike that.

14 How did you come to speak with Mrs. Harkavy?

15 Did she ask to speak with you or did you ask to
16 speak with her?

17 A No; I was working, and she came and asked me if she
18 could see me for a few minutes. So she was busy at the
19 time, and then after awhile I went in the office and I
20 talked to her.

21 Q About how long was that after you had seen Mr.
22 Sciacca leave the office?

23 A Maybe half an hour, 45 minutes, something like that.

24 Q Was anybody else in the office when you went in to
25 speak with Mrs. Harkavy?

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- 1 A Yes.
- 2 Q Who was there?
- 3 A Mr. Murray was there, yes.
- 4 Q Is that Mrs. Harkavy's husband?
- 5 A Yes.
- 6 Q Who spoke with you, Mr. Murray or Mrs. Harkavy?
- 7 A Mrs. Harkavy, Mrs. Harkavy.
- 8 Q If you recall, will you tell us what Mrs. Harkavy
- 9 said to you during that conversation and what you said to
- 10 her, if you can recall?
- 11 A Well, she said that she heard rumors about the
- 12 union and if I knew about it, why didn't I tell her. So
- 13 I said, you know, I wasn't going to tell her because I
- 14 was for the union, too.
- 15 Q Do you recall if you said anything else?
- 16 A She asked me who was for the union? I said I
- 17 didn't know, you know, I really didn't see nobody sign the
- 18 cards, so I really didn't know.
- 19 Q Well, do you recall if you said anything else to
- 20 her about the card?
- 21 A No, sir.
- 22 Q Well, do you recall if you said anything else to
- 23 her about who had signed the card?
- 24 A No, sir.
- 25 She asked me if I knew who else signed the card. I

CSA Reporting

1 said no, I didn't see nobody sign the cards.

2 Q Do you recall if she asked you anything about what
3 you heard?

4 A No, no, she didn't ask.

5 Q Do you recall if she asked if you signed a card?

6 A Yes, she asked me and I said yes.

7 Q Do you recall if Mrs. Harkavy said anything to you
8 at the time?

9 A Not that I remember, no.

10 Q Do you recall if she said anything about everyone?

11 A Oh, yes, she did say, "Don't mention this to anyone."
12 She did say that.

13 Q Do you recall telling her that you heard that
14 everyone had signed the cards?

15 MR. SCHER: Objection.

16 Your Honor --

17 JUDGE HERMAN: I sustain that.

18 BY MR. WEINRICH:

19 Q Do you recall telling Mrs. Harkavy anything else?

20 A No.

21 That was all.

22 Q Now, Mrs. Nemec, did you have occasion to discuss
23 your conversation with Mrs. Harkavy with anyone else?

24 A At lunch time, the girls, they asked me why did you
25 go in the office? What did Mrs. Murray say to you?

1 So I told them, well, she just wanted to know
2 what's going on; and that's all I said.

3 Q Do you recall -- well, I'll withdraw that.

4 Following this incident on the fourth, did you
5 have occasion to speak with Josephine O'Connell concerning
6 the union?

7 A Yes.

8 Q And when was that, if you remember?

9 A The next day after I saw Mr. Sciacca come into the
10 office.

11 Q And where did that conversation take place?

12 A She came to my house.

13 Q And, if you recall, will you tell us what she said
14 to you and what you said to her?

15 A Well, she came with a letter. It was signed by her
16 and by Donna and by Carmella. And then we were talking,
17 and she said maybe we're not doing the right thing because
18 we have a few reasons why this place is good for us and
19 maybe we should back out of this. So she said if you sign
20 this letter and we send it, that means that we will not --
21 you know, we don't want no part of the union.

22 Q And did you sign that letter?

23 A Yes, I did sign that letter.

24 Q Following your signing of that letter, do you recall
25 if you had any conversation with Mrs. Harkavy?

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1 A Monday morning when I went to work, about half an
2 hour after I was working, she came by and she --

3 Q Well, before you go into that, where were you when
4 she came by?

5 A I was working.

6 Q At which machine were you at that day?

7 A I was at the blind stitch.

8 Q And was anyone else present at the time when she
9 came up to you?

10 A When Mrs. Harkavy came up to me?

11 Q Yes.

12 A No, not right there. Everybody was working in
13 their own place.

14 Q If you recall, will you tell us what, if anything,
15 Mrs. Harkavy said to you at that time and what you said
16 to her?

17 A Well, she just asked me if I had signed the letter.
18 I said yes.

19 Q Well, did she identify the letter in any other way,
20 if you recall?

21 A No.

22 She just said, "Did you sign the letter that Jo had
23 written?"

24 Q What did you say?

25 A I said, "Yes, I did." And then she walked away.

CSA Reporting

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1 Q Well, before she walked away, do you recall if she
2 said anything else?

3 A She said, "Well, maybe you make the right decision."

4 Q And following that, did you have any other
5 conversations with Mrs. Harkavy about the union?

6 A Not that I remember, no.

7 Q Are you presently working for Solboro?

8 A Not right now. We're laid off.

9 Q When were you laid off?

10 A Me?

11 Q Yes.

12 A At the last week in November.

13 Q Now, if you can remember, Mrs. Nemec, during the
14 period of time from the beginning of October until you
15 were laid off in November or the last week in November,
16 I believe you said --

17 A Yes.

18 Q -- what type of work were you doing at that period
19 of time?

20 A Well, I finished with the fur. Then I was doing
21 a little bit in every one of the other machines. Like one
22 day or two days in one and one or two days in the other.

23 Q On all of the other machines?

24 A All the others.

25 Q What about the merrow machine?

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A Yes, I did.

Q And did you work on the mauser machine during that period of time?

A Yes, I did.

Q Well, during the period between the beginning of October and the beginning of November, do you recall if you were busy at work?

A No.

Q That was when everything was almost finished.

Q Well, was there a time when your working was backing up?

A Not in that period of time.

Q Well, in what period of time was your work backing up, if any?

A Well, maybe when we were busy in September.

Q Do you recall if you were busy in October?

A October was very slow.

MR. WEINRICH: I have no further questions of the witness, your Honor.

JUDGE HERMAN: Mr. Kushner?

MR. KUSHNER: I have no questions at this time.

JUDGE HERMAN: You said that in September it was very busy.

THE WITNESS: Yes.

JUDGE HERMAN: And that in October it was very slow.

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THE WITNESS: Yes.

JUDGE HERMAN: Was there any difference between the first part of October and the latter part of October?

THE WITNESS: Yes, there was.

JUDGE HERMAN: When did it first start getting slow in October?

THE WITNESS: Toward the end of the month. That was when things got slow.

JUDGE HERMAN: The end of October?

THE WITNESS: Yes, and the beginning of November.

JUDGE HERMAN: Okay.

Mr. Scher?

CROSS-EXAMINATION

BY MR. SCHER:

Q Mrs. Nemec, on that very point that the judge just asked you about, was there a time when knitting machines were being cutoff from work, the knitting machines in the plant?

A Yes, they do stop.

Q When did that happen?

A Well, I really don't remember when, but it was toward the end of October.

Q The end of October?

Or maybe the middle of October.

Q Well, maybe you can -- do you remember the morning

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1 that the union came in and spoke to the Harkavys?

2 A Yes.

3 Q Was it before that the knitting machines closed
4 down?

5 A That's right, they were just getting slow at that
6 time.

7 Q Now, in other words, during the month of September?

8 A I --

9 Q You recall you testified --

10 JUDGE HERMAN: The union representative came there
11 on October fourth?

12 BY MR. SCHER:

13 Q The first week of October.

14 JUDGE HERMAN: Now, Mr. Scher is asking you in
15 relationship to that.

16 A Well, at that time, they were just about finished,
17 I will say.

18 Q Now, isn't it a fact that the closing down of the
19 knitting machines happened a few weeks before the union
20 came in to talk to the Harkavys?

21 A You mean they stopped before?

22 Q Yes.

23 Do you remember when there was just one knitting
24 machine working?

25 A Well, I don't remember when exactly it was.

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1 Q The testimony indicates that Mr. Sciacca came in
2 and talked to Mrs. Harkavy and Mr. Harkavy in their office
3 on October fourth, which was the first week of October.

4 A Yes.

5 Q Now, in relation to that meeting, when did the
6 knitting machines begin to get closed down and stopped?

7 A Well, it was before that. When he came in, there
8 was not too much work left.

9 Q So that when you testified before that it was
10 towards the end of the month that the work was running out
11 as compared to the beginning of the month, did you mean
12 towards the end of September before Mr. Sciacca came in to
13 see Mrs. Harkavy and Mr. Harkavy?

14 A Oh, I'm sorry, could you say that again?

15 Q Yes.

16 When you were asked by the judge did the work
17 start -- was the work running out, was it slowing down
18 in the beginning of the month or the end of the month,
19 did you mean that it was at the end of the month before
20 the union came in to see Mr. Harkavy?

21 A Yes, it was the end of the month before the union
22 came in the work was --

23 JUDGE HERMAN: You mean it was the end of September
24 not the end of October?

25 THE WITNESS: Then it was the end of September,

CSA Reporting

1 that's right. I'm sorry, sir.

2 BY MR. SCHER:

3 Q Now, you testified that you've worked in the shop
4 for some six years now.

5 Correct?

6 A Yes.

7 Q What is the relationship -- what happens -- can
8 you tell us in terms of what happens to the work for
9 all the machine operators and what happens for the work
10 for the inspectors and for the pressers and everybody
11 down the line when the knitting machines close down?

12 A Well, when they -- or, when they're finished, when
13 they're not working there anymore, that means that we have
14 maybe a few more weeks of work. Usually the one that gave
15 out the work or the one that gets the work ready for the
16 operators, then those are finished and then would those
17 be laid off. And then as it goes down the line, then we
18 all get laid off.

19 Q And is this something that happened in previous
20 years?

21 A The six years that I've been there, yes.

22 Q As a matter of fact, can you remember when this
23 happened in 1973, the year before?

24 A It was in November, too, the year before.

25 Q Do you remember when in November?

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1 Q Mrs. Nemec, you testified that during the course
2 of your employment you worked on the label machine as
3 well as doing binding work on collars.

4 Is that correct?

5 A Yes.

6 Q Now, are you -- do you know of the other employees
7 in the shop who can also work on the labeling machine?

8 A Mary worked there, the label machine for awhile.

9 Q Now, are you talking about Mary White?

10 A Mary White, that's right.

11 Q Have you ever had the opportunity to observe any of
12 Mary White's work on the label machine?

13 A Yes, I did, yes.

14 Q Can you recall any, specifically, observation you
15 made about her work on the label machine?

16 A Well, a few times she had a little trouble, and I
17 went and I helped her.

18 Q I would like to ask you to focus on the period in
19 the first week of October.

20 Do you recall when Mary White was laid off?

21 A Yes.

22 Q And was that on a Monday, October seventh?

23 A I don't really remember the date.

24 Q Was it just shortly after the end of the first wee
25 of October?

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1 A I really don't remember the date.

2 Q Do you remember the last day Mary White worked?

3 A I remember -- well, not like telling you it was
4 Monday, the seventh, or what date, but I remember the last
5 day.

6 Q Did she work on the label machine that day?

7 A Yes, she did.

8 Q And do you recall anything about her work, the work
9 that she produced on the label machine that day?

10 A I --

11 Q Do you remember anything about the work she did
12 that day on the label machine?

13 A Not really, no.

14 Q Do you remember anybody talking to her about the
15 work that she finished up that day on the label machine?

16 Did you --

17 A Not on the label machine, no.

18 Q Do you remember her working on any other machine
19 that day?

20 A I don't remember if she worked in the morning in
21 the mauser machine.

22 Q You don't remember -- you d ?

23 A I am not sure if she did work there or not.

24 Q Well, do you remember -- strike that.

25 Mrs. Nemec, do you remember where she worked in that

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1 morning before she worked on the labeler?

2 A I --

3 Q Do you remember what she was doing before she --

4 A I think the afternoon she worked the label machine
5 and in the morning she worked the mauser machine.

6 Q All right.

7 Now, do you remember anything about the work that
8 she did on the mauser machine that morning?

9 A Well, it is still some work in the shop there that
10 I was supposed to fix, but I never really got to it.

11 Q It was some work that she did on the mauser machine

12 A That she did that was not right, yes.

13 Q That's still in the shop?

14 A It is still around there, yes.

15 Q Do you have an idea about, in working on the label
16 machine, how fast you're supposed to finish up labels on
17 the label machine, what speed you're supposed to work at?

18 A Well, that goes pretty fast. You know, I could
19 you how much I do.

20 Q Well, how much you do on the label machine?

21 A It is between 19 and 20 dozen an hour.

22 Q Have you ever had the chance to observe Mary White
23 speed --

24 A Yes.

25 Q -- on the label machine?

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1 A Yes.

2 Q How fast does she work?

3 A Well, I don't think she would do half of what I do.

4 Q Did you ever have a conversation with Mrs. Harkavy
5 about Mary White?

6 A Yes, we did.

7 Q Can you tell us what you said to Mrs. Harkavy about
8 Mary White's work and what Mary White --

9 JUDGE HERMAN: If you are trying to prove the in-
10 adequacies of that work through extrajudicial statements
11 by either this witness or Mrs. Harkavy, I wouldn't take it.

12 MR. SCHER: Well, I think that any communication
13 certainly that came to Mrs. Harkavy's attention about
14 another employee's work through a more senior employee in
15 a period of economic stress, is going to be relevant.

16 JUDGE HERMAN: It may be. But I say that I'm not
17 going to take the evidence of the quality of that work
18 through an extrajudicial statement.

19 MR. SCHER: Yes.

20 I'm not offering this --

21 JUDGE HERMAN: In other words, you --

22 MR. SCHER: Excuse me, your Honor.

23 I'm not offering this testimony for its bearing
24 upon the actual quality of the work performed --

25 JUDGE HERMAN: What are you offering it for?

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1 MR. SCHER: -- as I am for the establishment of
2 the communication to Mrs. Harkavy which would necessarily
3 form the basis of her judgment as to what --

4 JUDGE HERMAN: All right.

5 MR. SCHER: -- she does.

6 JUDGE HERMAN: For that purpose I'll take it.

7 MR. SCHER: Thank you, your Honor.

8 BY MR. SCHER:

9 Q In your conversation with Mrs. Harkavy, did you tell
10 her anything about Mary White's work or report to her about
11 a conversation that you had with Mary White about her work
12 on the labeling machine?

13 A No, I didn't -- well, it came about that the last
14 few days that I work, Mrs. Harkavy mentioned to me that
15 there was some work there that was supposed to be fixed

16 So I looked at it, and it was bad. But that was
17 about all that we talk about Mary. It was done by Mary
18 White and it is still there.

19 Q Prior to the time -- prior to the time that Mary
20 White was laid off, did you have a conversation with her
21 about her doing better on the labeling machine?

22 A No, I never talked to Mary White since the day
23 she was laid off.

24 Q I mean before she was laid off.

25 A No.

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1 I just show her how to work the machine many a
2 time. I showed her how to put the labels on that she
3 will work faster.

4 Q You testified that you, yourself, were laid off
5 by the company in the last week of November of 1974.

6 Is that correct?

7 A That's right.

8 Q Who else was working right down to the end with
9 you?

10 A Josephine and I were the last two.

11 Q And who was the third from the last?

12 A It was Carmen Gonzalez.

13 Q Now, you've been with the company six years, I
14 believe you testified.

15 Is that correct?

16 A Close to it, yes.

17 Q Has that been the -- over the years, has that been
18 the way it's always worked out, that more senior employees
19 worked down towards the end?

20 A Yes, sir, that's how it always worked out.

21 Q Earlier in my questioning with you, we established
22 that there were knitting machines shutdown prior to the
23 time that the union came in to talk to Mr. and Mrs. Harkavy.

24 How many knitting machines does the company have?

25 A It was four for that time.

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1 Q Now, can you remember by the time the union came
2 in to see Mrs. Harkavy, how many knitting machines were
3 working?

4 A It was one work.

5 Q One working?

6 A One was running.

7 Q Now, what is the experience in the shop about how
8 long it takes, a week, two weeks, whatever, after a
9 knitting machine shuts down that the work runs out?

10 A Well, I will say two, three weeks.

11 Q And over the six years have you been laid off
12 every year?

13 A Yes, sir.

14 Q Always as work was running out?

15 A Yes.

16 Q And the company's practice over that time was that
17 they would let the newer employees go first?

18 A Go first, yes.

19 Q Incidentally, do you know what the company's practice
20 is or how it handles layoffs, you know, since you've been
21 working at the company?

22 How does the company tell an employee of a layoff?

23 A Well, the day before the work is finished or even
24 the same day, Mrs. Murray comes and tells us, well, this
25 is just about it, now you go collect unemployment and keep

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1 in touch until we get going again.

2 Q Over the period of time that you've worked for the
3 company, does Mrs. Harkavy spend most of her time out on
4 the floor with the girls?

5 A Always.

6 Q And does she frequently engage in conversations
7 with the girls, talk with the girls?

8 A Yes, once in awhile.

9 Q And does she ever ask you and the other employees
10 what's happening, what's going on?

11 A Yes, she --

12 Q Is that her --

13 A She comes around and, like, when there are new
14 girls, she comes and asks us, you know, what do you think
15 about her? How is she doing the work? Stuff like that.
16 Especially if the new girls are working next to us or
17 something like that, she will come and ask us, you know.

18 Q On the afternoon of the day that the union came in
19 to see Mr. and Mrs. Harkavy, you testified that Mrs. Harkavy
20 came out and asked you what's going on?

21 A That was the same morning.

22 Q The same morning?

23 A Yes.

24 Q Now, isn't it true, Mrs. Nemec, that you said to
25 her at that time, "We have all signed a card"?

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1 A Yes.

2 Q And wasn't that in answer to her question of you,
3 "What's going on?"

4 A No.

5 She asked me, who, you know, is all?

6 I said, you know, that's what I hear but I can't
7 tell you who because I didn't see nobody sign the card.

8 Q When you had that conversation with Mrs. Harkavy,
9 the one we're talking about now, did she threaten you in
10 any way?

11 A No.

12 Q Were you -- strike that.

13 Did she scare you by asking you these questions?

14 MR. WEINRICH: Objection.

15 JUDGE HERMAN: Sustained.

16 BY MR. SCHER:

17 Q Incidentally, in the meeting that you had with the
18 National Labor Relations Board when you gave him a statement
19 on November sixth, 1974, did he -- withdraw the question.

20 You testified on examination by the Board counsel
21 that Josephine O'Connell came to your house on Saturday
22 and brought you a letter and that she asked you to sign
23 that letter.

24 Is that correct?

25 A Yes.

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1 Q Is this document which is marked at the top
2 Exhibit B-1, is that the letter that -- is this a copy of
3 the letter that she brought to you?

4 (Handing.)

5 A Yes, it is.

6 Q And is this your signature on that letter
7 (Indicating)?

8 A That's right.

9 MR. SCHER: Your Honor, I'd like to have this
10 document marked as Respondent's Exhibit #1.

11 JUDGE HERMAN: Are you talking about Exhibit B-1
12 attached to the witness' affidavit?

13 MR. SCHER: That's correct.

14 JUDGE HERMAN: All right.

15 MR. WEINRICH: Well, your Honor, if I may -- well,
16 there has been no offer except to have it marked for
17 identification.

18 JUDGE HERMAN: That's right.

19 MR. WEINRICH: I have separate copies of that if
20 that will be of any assistance to Mr. Scher.

21 MR. SCHER: Yes.

22 (The above-mentioned was received and
23 marked as Respondent's Exhibit #1 for
identification.)

24 MR. SCHER: I'd now like to offer Respondent's
25 Exhibit #1 marked for identification, into evidence.

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1 JUDGE HERMAN: Is there any objection?

2 MR. WEINRICH: I have no objection to the document
3 itself being offered once -- it has been authenticated,
4 I take it. But I think that offering it as part of the
5 statement will only create problems.

6 MR. SCHER: I'm not offering it as part of the
7 statement, I'm offering it independently.

8 MR. WEINRICH: Okay.

9 JUDGE HERMAN: Mr. Kushner?

10 MR. KUSHNER: I have no objection.

11 JUDGE HERMAN: It's received.

12 (The above-mentioned was received and
13 marked as Respondent's Exhibit #1
into evidence.)

14 BY MR. SCHER:

15 Q Now, when Mrs. O'Connell brought you this letter,
16 Respondent's Exhibit #1 in evidence, and showed it to you,
17 do you remember asking her anything about whether Mr. or
18 Mrs. Harkavy had anything to do with that letter?

19 A Yes, I did.

20 I asked her who was the one that started this?

21 She said that it was hers.

22 Q And did she tell you why?

23 A Well, she said she had a few reasons why she wanted
24 to back out of the union and that's why.

25 Q Did she say anything to you about paying union dues

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1 when she discussed the signing of that letter with you?

2 A No, she didn't mention that. Oh, yes, she did,
3 I'm sorry.

4 Q What did she say, if you can recall?

5 A She said maybe it wasn't the right thing to do to
6 join the union because after all, it wasn't so good and
7 then we'd be paying union dues and maybe it was, you know,
8 it wasn't worth it.

9 Q Did you have any discussion with her about how
10 long you had been working for the company and your thoughts
11 about signing the letter?

12 Did you discuss anything like about older employees?

13 A Yes, we did.

14 Q Tell us what did you say and what did she say?

15 A Well, we were talking that we were there for a long
16 time and we never did nothing lik that and things were not
17 so bad to start any trouble or anything. We discussed
18 that Mr. and Mrs. Murray were always nice to us. If we
19 had any problem, we always went to them. There was always
20 some kind o. a solution, so why start these things?

21 MR. SCHEER: I have no further questions.

22 JUDGE HERMAN: Mr. Weinrich?

23 REDIRECT-EXAMINATION

24 BY MR. WEINRICH:

25 Q You testified that there was one knitting machine

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1 working in October.

2 How long did that knitting machine work until, if
3 you remember?

4 A Well, it's almost always one going because Mrs.
5 Murray is always making samples. So that machine is
6 always going.

7 Q But the other machine stopped in September, is
8 according to what you testified on cross examination.

9 Is that correct?

10 A If I remember right, yes.

11 Q If you remember right. And it was your testimony
12 that it usually takes two to three weeks for the layoff
13 to occur after the knitting machines stop; is that correct?

14 A Yes, sir.

15 Q And you worked until when?

16 A Until the last week in November.

17 Q Where did you sit in connection with or where did
18 you sit relative to where Mary White sat?

19 A Well, it all depends which one of the machines
20 I'm working.

21 Q What machine were you working on October the seventh,
22 if you remember?

23 A I was working the fur machine.

24 Q The fur machine?

25 A Yes.

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1 Q And how close is the fur machine to the mauser
2 machine?

3 A Three, four feet.

4 Q Behind or in front?

5 A No; it's maybe about six feet.

6 Q Behind or in front?

7 A Behind.

8 Q And while working on the fur machine and being six
9 feet behind, are you able to see what Mary White is doing?

10 A No, I can't see what she's doing. But when she
11 needed help, she would call me.

12 Q Now, when you testified it was the practice of the
13 company to layoff what would amount to the most senior
14 employees last, do you know if there were any other
15 considerations that were involved in determining who would
16 be laid off?

17 A I --

18 MR. SCHER: Objection.

19 JUDGE HERMAN: You mean in the past?

20 MR. WEINRICH: In the past.

21 JUDGE HERMAN: That is, do you know of any; in
22 other words, had the company announced any other basis
23 for laying people off?

24 THE WITNESS: No.

25 BY MR. WEINRICH:

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1 Q Do you know if it had anything to do with people
2 doing the same job?

3 A I don't know what you mean, doing the same job.

4 JUDGE HERMAN: Well, I think what he means -- and
5 he can correct me if I'm wrong -- is, suppose somebody is
6 working on a particular machine, a particular type of
7 machine --

8 THE WITNESS: Yes, sir.

9 JUDGE HERMAN: -- and another person is working
10 on another type of machine; now, did it ever happen that
11 somebody working -- that somebody who may have had senior
12 was not laid off after the other person because of working
13 on the other kind of machine?

14 THE WITNESS: I really don't understand the
15 question.

16 JUDGE HERMAN: Suppose you were working -- sup-
17 pose you had seniority over some other employee. Do
18 you know whether in the past -- well, first of all, just
19 answer this:

20 Do you know of any instance in the past where there
21 were laid offs out of seniority?

22 THE WITNESS: Not that I remember, no.

23 JUDGE HERMAN: All right.

24 That's the answer to your question, counsel.

25 BY MR. WEINRICH:

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Q Did you start before or after Josephine O'Connell?

A Before.

Q In prior layoffs, did Josephine O'Connell ever work longer than you did?

A Last year, I remember, I think she worked one day or maybe but no more than that.

JUDGE HERMAN: Longer than you?

THE WITNESS: Longer than me.

JUDGE HERMAN: Even though you had seniority?

THE WITNESS: Yes.

JUDGE HERMAN: So there were some, at least one time and maybe other times when seniority was not the only standard?

THE WITNESS: I think that was the only one that ever worked, you know, a day or two more than me.

BY MR. WEINRICH:

Q Do you know if Carmela Cacoperdo started before you did?

A No.

Q You started before she did?

A Yes.

Q Do you know if Carmela Cacoperdo started before Josephine O'Connell?

A I really don't know.

Q Now, you testified on cross examination in response

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1 to counsel's questions that Mrs. Harkavy frequently asked
2 you and asked the other people in the shop what was going
3 on.

4 Is that correct?

5 A Yes, she come and she talk to us, yes.

6 Q On October fourth when you spoke to Mrs. Harkavy,
7 was her question to you simply what was going on or was
8 it more specific than that?

9 A October fourth? Was that the day that I was call

10 Q The day that you were called into the office after
11 Mr. Sciacca came in.

12 A Yes, she said, "What is going on? I hear somethi
13 about union."

14 Q Your testimony about what took place in the past
15 concerning layoffs was based upon your observation; is
16 that correct?

17 A That's right.

18 Q How much notice were you given before you were la
19 off at the end of November?

20 A Just maybe the day before.

21 MR. WEINRICH: I have no further questions.

22 JUDGE HERMAN: Mr. Kushner?

23 MR. KUSHNER: I have a few questions.

24 REDIRECT-EXAMINATION

25 BY MR. KUSHNER:

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Q You testified on cross, or redirect, that -- I guess on cross examination -- that Josephine O'Connell and you were laid off the week of November and that Carmen Gonzalez was laid off just before that.

Right?

A Just before us, that's right.

Q Now, do you know whether Carmen Gonzalez was hired before or after Carmela Cacoperdo?

A She was hired after.

Q But she worked after Carmela Cacoperdo had been laid off; correct?

A Yes, but Carmen asked to be off, too. She wasn't just laid off -- Mrs. Murray didn't tell her don't come in tomorrow, there is no work for you.

Q My question to you was, was Carmen Gonzalez working after Carmela was laid off?

A Yes, she was a couple of more days.

Q Only a couple of more days?

A Yes.

Q But she had been hired later?

A Yes, that's right.

Q I believe on direct examination by Mr. Scher --

JUDGE HERMAN: You mean cross examination?

MR. KUSHNER: Forgive me for that.

BY MR. KUSHNER:

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1 Q On cross examination by Mr. Scher, you testified
2 that for the period between October and November your
3 work was not backing up.

4 Is that correct?

5 A October and November it was getting slow.

6 Q It was getting slow?

7 A Yes.

8 Q I'm not asking you about the work in the shop,
9 I'm asking you specifically about your work, that your
10 work was not backing up during that period. You did
11 testify to that effect when Mr. Scher asked you.

12 Is that correct?

13 A Yes.

14 I said no, it wasn't.

15 Q You said that your work was not backing up during
16 that period?

17 A No.

18 JUDGE HERMAN: When you say backing up, what do
19 you mean?

20 MR. KUSHNER: I mean that the witness was not being
21 overloaded with work, that her work was not piling up
22 alongside of you and that she wasn't having difficulty in
23 completing her work during that period of time.

24 BY MR. KUSHNER:

25 Q Is that correct?

1 A Well, there was enough work.

2 I usually go home a little bit earlier, I don't
3 stay until 4:30. Mrs. Murray asked me if I could stay
4 a couple of days until 4:30 because there was enough work.

5 JUDGE HERMAN: And what time are we talking about
6 now?

7 THE WITNESS: I leave work at 2:30.

8 JUDGE HERMAN: No, no.

9 What period?

10 THE WITNESS: Oh, that was around October, the end
11 of September.

12 BY MR. KUSHNER:

13 Q Just a moment. The period that I'm asking you about
14 is the period between -- is the period between October and
15 November. I'm simply trying to clarify what it was that
16 you --

17 A October and November it wasn't that much work left.

18 Q Then you would say that between -- I'm simply trying
19 to clarify what you said to Mr. Scher before which, as I
20 understood it, was that between October and November there
21 wasn't that much work and your work was not piling up.

22 Is that correct?

23 A No.

24 JUDGE HERMAN: In other words, what he just said is
25 correct; is that right?

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The sentence reads:

"During the week after the second week in October."

BY MR. KUSHNER:

Q Is that correct?

A Yes.

Q And didn't you tell the agent for the Board, in effect, that during that month after the second week in October, "I had more work than anyone else. I had work backing up during this time."

A I said I had more work than anyone else because the job that I was doing nobody else did it.

Q Does your statement say that?

A That's why I had more work than anyone else.

Q Does your statement say that?

A Yes, it say that I had more work than anyone else.

Q Will you show me where it explains why you had more work than anyone else for the reason just gave me?

Is there any explanation in your statement to that effect?

A Right here. It says, "During the month after the second week in October, I had more work than anyone else."

Q That's correct.

And continue.

"I had work backing up." Right?

A That's right.

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Q In this statement, can you explain why you had more work?

A. Because --

Q No.

In the statement, do you see anything in the statement that explains that?

A Yes.

Carmen, which was another operator --

JUDGE HERMAN: Is this something that appears in the statement?

THE WITNESS: Yes.

JUDGE HERMAN: Okay. Go on.

A Carmen, which was the other operator, was helping me in the blind stitch. And then after Katie, another operator, quit, then Carmen was put in the merrow machine. So then she wasn't able to help me that much.

Q But to get back to the original point, Mrs. Nemes doesn't the statement say that during the week -- that during the month after the second week of October, you had more work than before?

A Yes.

MR. SCHER: Objection.

JUDGE HERMAN: I didn't understand the statement to say that, that she had more work than before.

MR. KUSHNER: "I had more work than anyone else. I

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1 RECROSS-EXAMINATION

2 BY MR. SCHER:

3 Q Mrs. Nemec, on redirect you testified, in answer to
4 a question from the counsel for the General Counsel, that
5 after the -- that after the knitting machines -- you
6 testified that there was always one knitting machine
7 working because Mrs. Harkavy was doing samples.

8 A Yes.

9 Q You also said that after the knitting machines
10 shutdown, your experience was that two or three weeks later
11 the work runs out.

12 Is that correct?

13 A That's right.

14 Q Now, I'd like to ask you to read Page two of your
15 affidavit from the beginning of the sentence that starts
16 on the tenth line to the end of the sentence that follows
17 that.

18 A I've read it.

19 Q Now, Mrs. Nemec, when you made your statement to
20 the agent for the National Labor Relations Board on
21 November sixth, 1974, did you say, "The way that we knew
22 there would be no more work in the shop was to see that
23 knitter was not producing rolls of knit goods to be worked
24 on by the other workers. When we first saw that there was
25 no more knit goods being produced, we knew that there was

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1 be a week or two more work and then no more."

2 A That's right.

3 Q And is that an accurate statement by you today of
4 what happens when no more knit goods are being produced,
5 that is, that you know that there would be a week or two
6 more of work and then no more?

7 A Yes, that's right.

8 JUDGE HERMAN: Well, you have used the figures two
9 to three weeks.

10 THE WITNESS: Yes.

11 JUDGE HERMAN: And now you've got the statement a
12 week or two.

13 Can you -- can you state more definitely what period
14 it is in your opinion?

15 THE WITNESS: Well, you see, many a time it's how
16 much work is done, because this work comes out of the
17 machines and then it lays there for somebody to separate
18 the work.

19 Now, the machines might stop, but it's enough work
20 there for us to work two weeks or maybe three weeks.

21 JUDGE HERMAN: So when you say a week or two,
22 that's -- you feel that that's not as accurate a statement
23 as two to three weeks, is that what you're saying?

24 THE WITNESS: Yes, I will say so.

25 BY MR. SCHER:

1 Q Does it differ, sometimes it's one week, sometimes
2 it's two weeks and sometimes it's three weeks?

3 A That's right, sometimes one week, sometimes two
4 weeks, sometimes three weeks. It's just days in between
5 sometimes. You never know just how many days.

6 Q Now, did the other employees in the shop know that
7 the knitting machines were stopped?

8 A Well, they have to see it. It's just not an open
9 building.

10 Q You were asked on redirect whether Josephine
11 O'Connell worked longer than you and you said yes, she
12 worked one more day after you.

13 A Yes.

14 Q Isn't it true that whereas you're a machine
15 operator, Josephine O'Connell also prepares for cutting
16 and cleans up and does other things?

17 A That's right.

18 Q You were also asked whether it was true Carmen
19 Gonzalez worked longer than Carmela Cacoperdo and you said
20 yes, that she worked one or two more days --

21 A Yes.

22 Q -- longer.

23 A Yes, Carmen worked --

24 Q Is it true that Carmen is more skilled than Carmela

25 A She's a machine operator which Carmela is not.

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1 very much.

2 THE WITNESS: Okay.

3 (Witness excused.)

4 MR. WEINRICH: Your Honor, do you think we could
5 take a water break and a mens room recess?

6 JUDGE HERMAN: Off the record.

7 (Discussion off the record.)

8 JUDGE HERMAN: Back on the record.

9 At the request of counsel, we will take a short
10 recess at this time.

11 (Recess taken at 3:15 P. M.)

12 JUDGE HERMAN: Back on the record.

13 Mr. Weinrich.

14 MR. WEINRICH: Your Honor, General Counsel calls
15 as its next witness, Carmela Cacoperdo.

16 Whereupon, CARMELA CACOPERDO, was called as a
17 witness and having been first duly sworn by the
18 Administrative Law Judge, was examined and testified as
19 follows:

20 DIRECT-EXAMINATION

21 BY MR. WEINRICH:

22 Q What is your full name?

23 A Carmela Cacoperdo.

24 Q Where do you reside, Mrs. Cacoperdo?

25 A 32 Academy Lane, Oakdale.

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1 Q Mrs. Cacoperdo, when did you begin working for
2 Solboro Knitting Mills?

3 A September 1971.

4 Q And what type of work were you hired to do?

5 A Trimmer.

6 Q And is that the type of work you continued to do --

7 A Yes.

8 Q -- throughout your employment?

9 A Yes.

10 Q Let me just go back a minute, Mrs. Cacoperdo.

11 Are you certain that you were hired in September
12 of 1972?

13 A '71.

14 Q '71?

15 A Right.

16 Q While employed by Solboro, Mrs. Cacoperdo, did
17 there come a time when you were contacted by a representa-
18 tive of Local 107 of the International Ladies' Garment
19 Workers' Union?

20 A Not until last year.

21 Q Not until last year?

22 A Right.

23 Q Do you recall when last year, the month?

24 A Well, the first time when he came to my house was
25 October first.

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4:30

1 Q And who came to your house at that time?

2 A Mr. Sciacca.

3 Q Was anyone else present at that time?

4 A Well, he didn't come into my house, he was outside
5 because I had a black German Shepherd dog. He was afraid
6 to come in. So I went outside and I asked him, "Who are
7 you looking for?"

8 He said, "Mrs. Cacoperdo." Right?

9 JUDGE HERMAN: Now, now, please just answer the
10 questions.

11 (Laughter.)

12 A Well, I spoke to him outside. He told me that he
13 was --

14 JUDGE HERMAN: Just answer the questions.

15 A -- and he told me --

16 JUDGE HERMAN: He asked you who it was and you
17 told him.

18 THE WITNESS: Right.

19 JUDGE HERMAN: Okay, period.

20 BY MR. WEINRICH:

21 Q Do you remember what Mr. Sciacca said to you at
22 that time?

23 A Well, he told me he was from the union and that if
24 I would like to join. I said, no, no, no, I want nothing
25 to do with the union. And he went away.

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1 Q Following that conversation with Mr. Sciacca, did
2 you have occasion to speak with him again?

3 A Yes, I did.

4 Q And do you recall when that was?

5 A October third on a Thursday night.

6 Q Did he contact you at that time or did you contact
7 him?

8 A Well, on a Wednesday morning I went to work,
9 Josephine O'Connell told me that she had a visitor and she
10 had signed the cards. So I said, well, if everybody
11 signed a card, I might as well, too, because I don't want
12 to be the outsider. So that day we spoke to Grace and I
13 told her to get in touch with him, that I would sign the
14 card, which she did. And he came over Thursday night.

15 Q Thursday night?

16 A Yes.

17 Q And what was the date of that?

18 A The third of October.

19 Q And did he give you a card at that time?

20 A Yes, sir.

21 Q Did he say anything to you about the card?

22 A Well, he told me about the benefits and all, you
23 know, how I would benefit by it.

24 Q Did you read the card?

25 A Yes, sir.

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1 Q Did you fill out all the information on it?

2 A Yes.

3 Q And did you sign the card?

4 A Yes, I did.

5 Q Let me show you General Counsel's Exhibit #6 in
6 evidence and ask you if this is the card that you signed?

7 (Handing.)

8 A Yes.

9 Q And is that your signature on it?

10 A Yes.

11 Q And did you date that card?

12 A Yes.

13 Q Now, following the time you signed that card, did
14 you have a conversation with Josephine O'Connell?

15 A Well, yes, I did.

16 Q And did Josephine O'Connell give you anything to
17 sign?

18 A Yes.

19 Q What was that?

20 A The petition.

21 Q And when was that, if you remember?

22 A October fifth.

23 Q And did you have a conversation with Mrs. O'Connell
24 at the time you signed the petition?

25 A Well, she told me that she wanted to back out. I

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1 said, "Well, I want to back out. I don't want the union.
2 I made up my mind and that's it."

3 Q And after that, did you speak to Mrs. O'Connell --

4 A No.

5 Q -- about the petition?

6 A No.

7 Q Do you recall having a conversation with Mrs.
8 O'Connell when you drive to work on October seventh?

9 A I don't remember.

10 Q You don't remember whether you had a conversation --

11 A No, I don't.

12 Q -- on October the seventh?

13 A No, I don't.

14 Q Do you remember giving a statement to an agent of
15 the National Labor Relations Board?

16 A Yes.

17 MR. WEINRICH: Well, since I'm showing this to the
18 witness, can we mark this as General Counsel's --

19 JUDGE HERMAN: Well, before you show it to the
20 witness, let's find out the purpose for which you are
21 showing it to the witness and see whether that purpose is
22 satisfied.

23 Don't show it to the witness, Mr. Weinrich. I want
24 to know why you are showing it to the witness.

25 MR. WEINRICH: Okay.

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1 BY MR. WEINRICH:

2 Q In that statement, do you recall whether you
3 described any conversations with Mrs. O'Connell?

4 A On the seventh?

5 Q Yes.

6 A I don't remember.

7 Q Well, looking at that statement, will it --

8 JUDGE HERMAN: No.

9 BY MR. WEINRICH:

10 Q Do you have anything that will refresh your re-
11 collection as to whether you spoke to Mrs. O'Connell
12 on October the seventh?

13 A No, I don't.

14 JUDGE HERMAN: Mrs. Cacoperdo --

15 THE WITNESS: Yes, your Honor.

16 JUDGE HERMAN: -- what was your reaction when
17 Mrs. O'Connell asked you to sign that petition?

18 MR. SCHER: Objection.

19 THE WITNESS: Well, I was with her.

20 JUDGE HERMAN: You're objecting?

21 MR. SCHER: You're asking for a subjective --

22 JUDGE HERMAN: No, no.

23 What did you say to her?

24 THE WITNESS: Well, I told her I would sign it.

25 JUDGE HERMAN: You said you would sign it?

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1 THE WITNESS: Yes, and I did sign it.

2 JUDGE HERMAN: And you did sign it?

3 THE WITNESS: Yes.

4 JUDGE HERMAN: And you don't recall having any
5 further conversation with her at that time?

6 THE WITNESS: I don't remember, as I said.

7 JUDGE HERMAN: You don't recall any subsequent
8 conversation, anything after that?

9 THE WITNESS: Oh, about the union, that maybe --

10 JUDGE HERMAN: About the union?

11 THE WITNESS: About the union?

12 JUDGE HERMAN: Yes.

13 THE WITNESS: That maybe they would be in the front
14 of the place.

15 JUDGE HERMAN: When was that conversation?

16 THE WITNESS: Well, probably on a Monday, because
17 it all happened --

18 JUDGE HERMAN: Was that on October seventh?

19 THE WITNESS: I guess so, yes.

20 JUDGE HERMAN: So you did have a conversation with
21 her on October the seventh?

22 THE WITNESS: I'm starting to remember now, right,
23 referring to the union.

24 JUDGE HERMAN: Proceed.

25 BY MR. WEINRICH:

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1 Q Do you recall what Mrs. O'Connell said to you
2 during that conversation?

3 A Well, we're talking about the union. She said,
4 well, they'll probably be in front of the factory and
5 probably -- don't answer them, just walk right into the
6 factory, which we did.

7 Q Well, let me -- October seventh was a Monday.

8 A On a Monday, right.

9 Q Do you recall having a conversation on that day with
10 Mrs. O'Connell about union benefits?

11 A Well, we got benefits where I work now.

12 Q Okay, that may be true.

13 But, do you recall discussing union benefits with
14 Mrs. O'Connell on October seventh?

15 A Well, we might have, but I don't remember what we
16 said.

17 Q Do you recall making any reference to that
18 conversation in a statement you gave to a representative
19 of the National Labor Relations Board?

20 A About the benefits?

21 Q About a conversation that you had with Mrs.
22 O'Connell -- do you drive to work with Mrs. O'Connell?

23 A Yes, I do.

24 Q Did you drive to work with her on October seventh?

25 A Yes.

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1 Q Do you recall if in your statement to the National
2 Labor Relations Board, you made any reference to a
3 conversation you had with her while driving to work on
4 October the seventh?

5 A I don't.

6 Q You don't recall?

7 A No, I don't.

8 Q Do you recall if Mrs. O'Connell said that you had
9 to work for the union six months before you got benefits?

10 A That I remember, yes.

11 Q And when did that take place?

12 A The seventh.

13 Q So you remember Mrs. O'Connell saying that?

14 A Yes.

15 Q Do you recall if in the same conversation Mrs.
16 O'Connell said anything else?

17 MR. SCHER: Objection.

18 JUDGE HERMAN: Are you withdrawing the objection?

19 MR. SCHER: Objection withdrawn.

20 A I don't remember.

21 Q You don't remember?

22 A That doesn't bring it back to me.

23 Q Do you recall in the same conversation Mrs. O'Con
24 said anything --

25 MR. SCHER: Objection.

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1 I'm sorry, withdrawn.

2 JUDGE HERMAN: Well, now, you're waiting for him
3 to ask what you think is a leading question.

4 Would you rather he presented this to her to
5 refresh her recollection?

6 MR. SCHER: No.

7 I'll wait for the question.

8 BY MR. WEINRICH:

9 Q Do you recall, Mrs. Cacoperdo, if Mrs. O'Connell
10 said anything to you during that conversation about Mrs.
11 Harkavy?

12 A No, we didn't talk about the boss.

13 Q Do you recall if Mrs. O'Connell said anything
14 about working slow?

15 A Well, we were getting slow. She didn't have to
16 tell me, I knew it.

17 Q Do you recall if Mrs. O'Connell said anything to you
18 about anybody taking care of you when work started up again?

19 MR. SCHER: Objection.

20 JUDGE HERMAN: Overruled.

21 A What do you mean taking care of me?

22 Q Do you recall --

23 JUDGE HERMAN: You just answer the question, please.

24 THE WITNESS: Well, I don't understand him.

25 JUDGE HERMAN: Was that -- was that expression used,

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1 that somebody would take care of you?

2 THE WITNESS: Like whom take care of me?

3 JUDGE HERMAN: Don't ask any questions.

4 Just answer the question, please.

5 BY MR. WEINRICH:

6 Q Do you recall whether Mrs. O'Connell made a
7 statement --

8 A Yes.

9 Q -- that somebody would take care of you when work
10 improved?

11 A Oh, yes, yes, all right.

12 Q Do you recall who she said would take care of you?

13 A Mrs. Murray.

14 Q Mrs. Murray?

15 A Right.

16 Q So there was a discussion about the bosses on
17 October the seventh?

18 A I didn't know what you meant before.

19 JUDGE HERMAN: All right.

20 BY MR. WEINRICH:

21 Q Okay; fine.

22 A Well, don't make it hard for me.

23 JUDGE HERMAN: Well, just answer the questions.

24 THE WITNESS: That's all, your Honor.

25 BY MR. WEINRICH:

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1 Q Now, during the course of your employment, Mrs.
2 Cacoperdo, did you ever have occasion to discuss the union
3 with Mrs. Harkavy?

4 A No, never.

5 Q Well, during the course of your employment with
6 the company -- and I call your attention specially to
7 the period from September of 1974 until the end of
8 October of 1974 -- did you have occasion to speak with
9 Mrs. Harkavy at all?

10 A Just once she came over to us and she said, "You
11 girls want the union?" And that was it.

12 Q Yes?

13 A And we didn't answer because we didn't know whether
14 we wanted or not at the time.

15 Q Well, when was that, if you remember?

16 A It was --

17 Q Late September or early September, late October or
18 early October?

19 A Right after the union guy came.

20 Q Right after the union guy came?

21 A That's right.

22 Q Do you recall if Mrs. Harkavy said anything else
23 at that time?

24 A Well, Mr. Murray said that he's losing a lot of
25 money, he might have to close down the plant.

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Q Well, sticking to Mrs. Murray for a minute, do you recall if she said anything else on the day after the man from the union came?

A No.

That's all she said.

JUDGE HERMAN: Is this the day after or the same day?

MR. WEINRICH: I'm sorry, on the same day.

BY MR. WEINRICH:

Q Well, do you recall if she said anything about job

A Well, she came over to our table and she says,

"I see you girls don't want your jobs."

Q And when was that?

A Well, that same day -- no, on a Friday, the third October third.

Q Well, Friday was October the fourth.

A I mean the fourth.

Q Was that the day --

A Yes.

Q -- that the union man had come?

A Yes, right.

Q And about what time did she come over to you and say to you girls, "I guess you don't want your jobs"?

A Well, in the morning sometime. I don't recall time.

CSA Repertory

1 Q And was that before or after Mr. Harkavy spoke
2 with the employees?

3 A Before.

4 Q Before?

5 A Yes.

6 Q Were you present when Mr. Harkavy spoke with the
7 employees?

8 A Yes.

9 Q Well, what do you remember Mr. Harkavy saying to
10 the employees?

11 A Well, as he said, he's losing a lot of money and
12 why we girls want the union or he'll have to close down
13 the plant.

14 Q Now, I want you to again try to remember, Mrs.
15 Cacoperdo -- I'm not trying to press you, just to try to
16 have you recollection because the more we ask, the more
17 you recollect.

18 Now, did you have any other conversations with
19 Mrs. Harkavy about the union that you remember?

20 A No.

21 Q You don't remember any?

22 A No, sir.

23 Q Do you remember if Mrs. Harkavy ever said anything
24 to you about anybody talking you into anything?

25 A Well, she said, "Don't let anybody try to talk you

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1 into anything because you have a mind of your own."

2 Q When did she say that?

3 A Oh, I think on the seventh.

4 Q On the seventh of which month?

5 A Of October.

6 Q Of October?

7 A Right.

8 Q And do you recall if she said who shouldn't talk
9 you into anything?

10 A No.

11 Q She just said don't let anybody talk you into
12 anything?

13 A Right.

14 Q And what did you answer her, if anything?

15 A I don't remember answering her.

16 Q You don't remember answering her?

17 A I said, "Don't worry, I won't." I think that's
18 what I said.

19 Q Do you recall if you said you won't what?

20 Q I said, "I won't let anyone talk me into anything."

21 Q Do you recall if you ever had a conversation like
22 that in November with Mrs. Harkavy?

23 A I didn't work in November.

24 Q You didn't work in November?

25 A No.

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1 Q Do you recall picking up a check in November?

2 A Yes.

3 Q Do you recall if you had a conversation with
4 Mrs. Harkavy at that time?

5 A Yes, I did.

6 Q Do you recall if you discussed -- well, what did
7 you discuss at that time?

8 A Well, I went to pick up my check.

9 The girls were having their lunch. I went to the
10 table and Mrs. Murray was working on the merrow machine.
11 I went over to her I said, "How is everything?" She said,
12 "Okay."

13 Then she says something about the union. I said,
14 "I don't want the union. Don't worry about it, I'm with
15 you."

16 Q Well, what did she ask you about the union at that
17 time?

18 A She says, "Anybody pressing you or anything about
19 the union?"

20 I said, "No. I don't want the union. I'm with you.
21 Don't worry about it."

22 Q Did you ask her about -- you weren't working at
23 that time, you say?

24 A No, right.

25 Q Did you ask her about the possibility of work?

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- 1 A Well, I know there wouldn't be work for quite awhile.
- 2 Q Well, did you ask --
- 3 A I said, "How is everything?" She said, "All right.
- 4 I says, "When will we be working?" She said, "I don't
- 5 know." She had to make samples.
- 6 Q Well, do you recall anything else that Mrs.
- 7 Harkavy said?
- 8 A No.
- 9 Q You don't recall?
- 10 A I left right after that.
- 11 Q Do you recall if she said anything about getting
- 12 busy?
- 13 A Well, she said, "Have patience. In a couple of
- 14 weeks," she said, "You know, it's always like that." W
- 15 knew how long we were going to be out of work.
- 16 Q Well, do you recall if she said how many weeks?
- 17 A No.
- 18 Q Do you recall if she said anything about orders?
- 19 A Yes, -- well, I had asked her.
- 20 Q What did you ask her?
- 21 A "Do you have any orders?" Now I remember.
- 22 Q And what did she say?
- 23 A She said, "Yes," or she expects orders or somet
- 24 on that order.
- 25 Q Now, you testified that on that day that Mrs. R

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1 had said to you, "Don't let anybody talk you into any-
2 thing." That was on October seventh. And then sometime
3 in October she had said the same thing.

4 Do you recall if she ever said -- and I ask you
5 again because we can see that you are remembering more
6 and more all the time -- if she ever said who specifically
7 shouldn't talk you into anything?

8 A Well, the union guy, yes.

9 Q And do you recall when she said that?

10 A No, I don't. The seventh.

11 Q Of October or November?

12 A Well, as I said, I didn't work in November.

13 Q Do you recall if that was on or near the time when
14 the union man made his request for recognition?

15 A No.

16 Q You don't remember?

17 A No.

18 Q Do you recall if she said that to you once or
19 more than once?

20 A About two times.

21 Q Before you were laid off?

22 A Yes.

23 Q And when were you laid off?

24 A November first.

25 Q Now, again calling your attention to that Friday when

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the union agent came to the shop --

A Right.

Q -- do you recall if you had any conversation with Mrs. O'Connell that day, Josephine O'Connell, during work?

A No.

Q You don't recall?

A No.

Q Do you recall if Mrs. O'Connell was walking around the shop that day?

A Well, she has to. She gives out the work.

Q Do you recall if Mrs. O'Connell was walking around the shop and telling you and the other workers things?

A About the work or about the union?

Q About the union.

A No, not to me.

Q Do you recall if Mrs. O'Connell spoke to you about orders on that day?

A Orders?

Q Orders.

A You mean to work?

Q Whether the company was taking orders?

A Well, she was losing a lot of orders.

Q Mrs. O'Connell now.

A Taking orders?

Q Whether the company was taking orders.

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1 A No.

2 Q You don't recall?

3 A No.

4 We were slow at the time.

5 Q Do you recall if Mrs. O'Connell said anything to
6 you about Mrs. Murray not taking orders?

7 MR. SCHER: Objection.

8 JUDGE HERMAN: Overruled.

9 A No, she wasn't taking orders.

10 Q Mrs. Murray wasn't?

11 A No.

12 Q But did Mrs. O'Connell tell you that, if you recall?

13 A Well -- yes.

14 Q What do you recall Mrs. O'Connell saying?

15 A That Mrs. Murray is not taking anymore orders until
16 everything is straightened out with the union.

17 Q And when was that?

18 A Oh, I don't recall what date or when.

19 Q Do you recall if it was on the same day as the
20 union representative came to the plant?

21 A I think it was on the seventh.

22 Q Do you ride home with Mrs. O'Connell --

23 A Yes.

24 Q -- as well as riding to work with Mrs. O'Connell?

25 A Yes, right.

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1 Q And did you continue to ride home with Mrs.
2 O'Connell in the weeks from the time the union repre-
3 sentative came to the shop until you were laid off?

4 A Yes.

5 Q And during those rides, did you have conversations
6 with Mrs. O'Connell?

7 A Well, on and off, I mean not all the time.

8 Q In driving home, did you ever discuss with
9 Mrs. O'Connell -- do you recall discussing the union with
10 Mrs. O'Connell?

11 A Oh, we would discuss it, naturally we would.

12 Q Do you recall any of those specific conversations
13 at this time?

14 A Well, we didn't want the union, we made up our
15 minds we just didn't want it. If they ever came around,
16 we just didn't want them.

17 Q Do you ever recall discussing the closing of the
18 shop in any of those rides home?

19 A Well -- yes.

20 Q Do you recall anything that Mrs. O'Connell may have
21 said about closing the shop?

22 A Well, if the union gets in, Mrs. Murray would have
23 closed the shop.

24 Q Did Mrs. O'Connell tell you that?

25 A Yes.

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1 Q While you were at work, did you observe if
2 Mrs. O'Connell and Mrs. Barkavy frequently spoke together?

3 A Oh, why shouldn't they? Yes, they did.

4 Q Was Mrs. O'Connell a forelady?

5 A No, she's not a forelady.

6 Q Did you ever have any discussion with Mrs. O'Connell
7 about her being a forelady.

8 A No.

9 JUDGE HERMAN: Are you talking now about floor
10 lady or forelady?

11 MR. WEINRICH: Let me clear that up.

12 Q Did you ever have any discussion with her about
13 being a forelady?

14 A Well, Mrs. Murray was going to make her one, you
15 know, show her all the work, the routine.

16 Q Did Mrs. O'Connell ever give you instructions or
17 directions while you worked there?

18 A Well -- yes, Mrs. Murray used to tell her to tell
19 Millie to do this, you know, the work that was supposed to
20 do, which was needed.

21 Q Would she tell that to you or to Josephine?

22 A To Josephine.

23 Q And what would Josephine do?

24 A Well, she would come over and tell me that Mrs.

25 Murray wants you to do this, and I would do it. That was

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1 my job.

2 Q So, is it correct that from time to time Mrs.
3 O'Connell would relay instructions to you from Mrs. Murray?

4 A Yes.

5 Q How frequently did that occur?

6 A Well, not often, once in awhile, because I knew
7 my job, I knew just what I had to do.

8 Q Did Mrs. O'Connell give you independent instructions
9 that you were required to listen to?

10 A I don't know what you mean.

11 Q You testified -- let me see if I can simplify the
12 question.

13 You testified that Mrs. O'Connell would relay
14 instructions from Mrs. Murray to you from time to time.

15 Is that correct?

16 A Yes.

17 Q Did Mrs. O'Connell ever give you instructions or
18 directions that she was giving you on her own as opposed
19 to relaying a message to you from Mrs. Murray?

20 A No.

21 Q So all the instructions you received from Mrs.
22 O'Connell were --

23 A From Mrs. Murray.

24 Q -- through Mrs. O'Connell?

25 A Mrs. Murray.

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1 Q But Mrs. O'Connell would tell them to you?

2 A Well, Mrs. Murray would tell her to tell us girls
3 what to do, right.

4 Q I see.

5 MR. WEINRICH: I have no further questions, your
6 Honor.

7 JUDGE HERMAN: Mr. Kushner?

8 MR. KUSHNER: No questions at this time, your
9 Honor.

10 JUDGE HERMAN: You may cross-examine, Mr. Scher.
11 We'll be in recess for ten minutes.

12 (Recess taken at Four P. M.)

13 JUDGE HERMAN: Back on the record.

14 Mr. Scher.

15 CROSS-EXAMINATION

16 BY MR. SCHER:

17 Q Mrs. Cacoperdo, you testified that on October fifth
18 Josephine O'Connell brought the letter to you --

19 A Right.

20 Q -- and she gave it to you to sign.

21 Is that correct?

22 A Yes.

23 Q Did she tell you that you had to sign the letter?

24 A No.

25 Q Did she threaten you in any way?

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- 1 A No.
- 2 Q Did you sign that letter voluntarily?
- 3 A Yes, I did.
- 4 Q And did you understand what you were signing?
- 5 A Yes.
- 6 Q And had you read the letter before you signed it?
- 7 A Yes.
- 8 Q Do you recall a time in August 1974 --
- 9 A August?
- 10 Q This is in August, the last month of that summer
- 11 of '74 when you went to see Mrs. Murray to complain about
- 12 Josephine O'Connell?
- 13 A One time I remember I did because Josephine told
- 14 me to do something and I told Mrs. Murray, or something
- 15 like that. Mrs. Murray says, "You take the orders from
- 16 me, or I tell Josephine to tell the girls what to do,"
- 17 something on that order.
- 18 Q And do you remember asking Mrs. Harkavy whether
- 19 Josephine O'Connell is your boss or is your forelady?
- 20 A Well, we all thought she was a forelady, but
- 21 Mrs. Murray said no, she's not.
- 22 Q All right.
- 23 Did Mrs. Murray tell you that there were no forelady
- 24 at the company and that Mrs. O'Connell takes orders from
- 25 her?

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1 A Yes.

2 Q And that you when you get something told to you
3 by Mrs. O'Connell, it's because Mrs. Harkavy is giving
4 the order?

5 A Yes.

6 Q In your dealings during the months of October-
7 November, your conversations with Mrs. O'Connell when you
8 were driving with her, did you have any reason to believe
9 that she was your boss, talking to you as your boss?

10 A No, she's not my boss.

11 Q Now, you testified that you had a conversation with
12 Mrs. O'Connell while driving to work with her on October
13 seventh and she said to you that Mrs. Harkavy will take
14 care of us when work improves.

15 A Well, what I asked her before, I don't know how he
16 took it, Mr. Weinrich. What I meant was that I would
17 always have a job. That was the way we would be taken
18 care of, not moneywise.

19 Q When Mrs. O'Connell made that statement to you,
20 did she say anything like Mrs. Harkavy told me to tell you?

21 A No.

22 She said we'll be taken care of, that we'll always
23 have a job and we'll get a raise.

24 Q Did she tell you anything like Mrs. Harkavy told me
25 to tell you that?

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1 A No.

2 Q Or was it her own statement?

3 A I guess Mrs. Murray must have told her.

4 Q No, I'm not asking you to guess.

5 I'm asking you, did Mrs. O'Connell say to you,
6 Mrs. Harkavy told me to say that?

7 A No.

8 Q In the course of traveling, do you go back from
9 work with Mrs. O'Connell, too?

10 A Yes, I do.

11 Q All right.

12 In the course -- well, let's go back to the letter
13 that you signed for Mrs. O'Connell.

14 You testified that she did not tell you that you had
15 to sign that?

16 A No, she didn't force me. I wanted to sign.

17 Q You wanted to sign?

18 A Yes.

19 Q And did she offer you her opinion, also, as to
20 what she was going to do with that letter?

21 A Well, she was going to mail it to the Labor Board,
22 or something, I don't know, to the union, to the local, or
23 whatever.

24 Q Did she tell you that she wanted to back out of the
25 union, also?

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1 A Yes, yes, she did. Right, she did.

2 Q You testified that sometime in the morning after
3 the union had come in to see Mr. and Mrs. Harkavy, that
4 Mrs. Harkavy came out and said something -- this was your
5 quote -- "I see you girls don't want your jobs."

6 A Right.

7 Q Did she say anything about the union?

8 A No.

9 Mr. Murray said at lunch time why we girls want
10 the union, that --

11 Q I'm not talking about Mr. Murray's statement.

12 A Oh, no.

13 Q Did Mrs. Harkavy make that statement, or in that
14 statement say anything about the union?

15 A No, she didn't.

16 Q Going back to the conversation that you had with
17 Mrs. O'Connell where she said that Mrs. Harkavy will take
18 care of us, can Mrs. O'Connell give you a raise?

19 A No.

20 MR. WEINRICH: Objection.

21 JUDGE HERMAN: Sustained.

22 BY MR. SCHER:

23 Q Did Mrs. O'Connell ever tell you that she can
24 guarantee you a job?

25 A No.

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1 Q To your knowledge, has Mrs. O'Connell ever hired
2 or fired anybody?

3 A No.

4 Q In your traveling with Mrs. O'Connell, did you
5 often give her your opinion on a subject and hear her
6 opinion on a subject?

7 A On certain things said about unions.

8 Q Well, whatever, even unions, did you give her your
9 opinion and she give you hers?

10 A Oh, yes, yes.

11 Q And when Mrs. O'Connell said to you, don't worry
12 Mrs. Harkavy will take care of us, and as you just testified
13 you understood that to mean that you would have a job --

14 A Yes.

15 Q -- did you understand that to be her opinion?

16 MR. WEINRICH: Objection.

17 JUDGE HERMAN: Sustained.

18 BY MR. SCHER:

19 Q Now, you testified that when you came in to pick
20 up your check after you had been laid off, that Mrs. Murr
21 said to you, "Don't let anyone talk you into anything."

22 A Right.

23 Q Did she say anything to you about the union?

24 A Well, she said, "Don't let them talk you into
25 anything." I said, "I don't want it. Nobody can talk me

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1 into it unless I want it."

2 Q But I mean, Mrs. Harkavy didn't say anything to
3 you about the union at that time, did she?

4 A No, she didn't.

5 Q Now, at the time that you were riding home with
6 Mrs. O'Connell during the month of October, and you
7 testified that in your discussions with Mrs. O'Connell
8 on one occasion she said Mrs. Murray would close the shop
9 if the union got in, and you testified that on another
10 occasion she said Mrs. Harkavy would not be taking anymore
11 orders until everything is straightened out with the
12 union --

13 A Yes.

14 Q -- in those conversations with Mrs. O'Connell --
15 first of all, at that time, to your knowledge, was
16 Mrs. O'Connell a forelady?

17 A No.

18 Q Had she been promoted by Mrs. Harkavy into forelady?

19 A No.

20 Q Had Mrs. Harkavy ever told you or any other employees
21 that Mrs. O'Connell was acting as her forelady in speaking
22 for her?

23 A I don't get the question. Explain it more. I'm
24 dumb in --

25 Q Previously you had testified that you went to Mrs.

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1 Harkavy and you had complained to her about --

2 A Yes.

3 Q -- Mrs. O'Connell giving you certain orders --

4 A Yes, yes.

5 Q -- and Mrs. Harkavy said Mrs. O'Connell is not
6 your forelady --

7 A Yes.

8 Q -- and that anything that she tells you to do --

9 A She gets only from --

10 Q -- she can only do that if she's gotten instruction
11 from Mrs. Harkavy.

12 A Yes, right.

13 Q Now, at any time after that did Mrs. Harkavy ever
14 come out and tell you or other employees that from then on
15 Mrs. O'Connell was a forelady?

16 A No.

17 Q So that all during the month of October when you
18 were riding with Mrs. O'Connell and you were having dis-
19 cussions with her, you knew that Mrs. O'Connell was not
20 forelady?

21 A No.

22 Q And she was not the boss?

23 A Right.

24 Q Now, when she talked to you about -- when she said
25 that Mrs. Harkavy wouldn't take anymore orders, when she

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1 said to you that Mrs. Harkavy would take care of you,
2 did she say to you Mrs. Harkavy told me to tell you --

3 A No.

4 Q -- or was she just giving her own view?

5 MR. WEINRICH: Objection as to the last part of
6 the question, your Honor.

7 JUDGE HERMAN: Sustained.

8 BY MR. SCHER:

9 Q Well, did she tell you that Mrs. Harkavy told me
10 to tell you that she would not take anymore orders or did
11 she just --

12 A No.

13 Q -- make the statement on her own?

14 A Mrs. Murray told her.

15 Q What exactly did Mrs. O'Connell tell you?

16 A About that?

17 Q Right.

18 A She said Mrs. Murray would not take no more orders
19 until everything is straightened out.

20 Q But she didn't say to you that Mrs. Murray told her
21 to tell that to you, did she?

22 A No.

23 Q And she didn't say that that was her instruction to
24 tell you that, did she?

25 A No.

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1 Q Now, on examination by the counsel for the General
2 Counsel, on direct examination, when he asked you what
3 did Mrs. O'Connell say, if anything, about closing the
4 shop, you said that she said to you, "Mrs. Murray would
5 close the shop if the union gets in." I tried to take it
6 down exactly.

7 Now, you gave a statement to an agent of the
8 National Labor Relations Board on November seventh --

9 A Right.

10 Q -- 1974; is that correct?

11 A Yes, right.

12 Q Now, when you gave that statement to the Board
13 agent, with reference to any conversation that took place
14 between you and Mrs. O'Connell regarding the closing of
15 the shop, you said that Mrs. Murray -- you said that
16 Mrs. O'Connell was talking about Mrs. Murray and then
17 Mrs. O'Connell said, "She would rather close the shop
18 than have the union in."

19 Do you recognize that as --

20 A Yes.

21 Q -- your statement?

22 A Yes, right, I do.

23 Q And is that today an accurate recollection of what
24 you remember Mrs. O'Connell saying to you --

25 A Now, I do, yes.

CSA Referring

1 Q -- namely, she would rather close the shop than
2 have the union in?

3 A Yes.

4 Q Now, with relation to that statement that you just
5 testifie Mrs. O'Connell made to you, namely, that
6 Mrs. O'C said to you she would rather close the shop
7 than have the union in, she did not say to you, did she,
8 that Mrs. Harkavy told her that she would rather close the
9 shop than have the union in, did she?

10 Is that confusing? Do you want me to repeat it?

11 A No, no, you don't have to repeat it.

12 She said that Mrs. Murray had said it, yes. Let
13 me remember because I'm all confused now, I'm so confused.

14 Repeat that again, please.

15 Q All right.

16 To go back to the testimony that you gave just
17 before we had the break --

18 A Right.

19 Q -- you remembered as being an accurate statement
20 that Mrs. O'Connell had said to you in the car on one of
21 those trips -- and I quoted from your affidavit, "She
22 would rather close the shop than have the union in."

23 Now, she did not say to you, did she, that Mrs.
24 Harkavy told me that she would rather close --

25 A No.

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1 A No.

2 Q -- the shop?

3 A No.

4 Q All right.

5 She did not say to you, "Mrs. Harkavy told me to
6 tell you that she would rather close the shop than have
7 the union in," did she?

8 A No.

9 Q Now, you testified that Mrs. O'Connell would say
10 to you from time to time that Mrs. Murray wants you to do
11 this and wants you to do that and that the counsel for the
12 General Counsel described that as relaying instructions
13 from Mrs. Murray.

14 Is that correct?

15 A Right, yes.

16 Q Now, was this things to do with your work and with
17 your job?

18 A Yes.

19 Q During the time that you worked for the company,
20 were there times when you had personal conversations with
21 Mrs. Harkavy about things other than your work?

22 A No.

23 Q Did you -- strike that.

24 MR. SCHER: No further questions.

25 JUDGE HERMAN: Any redirect?

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1 During that same period, September and October of
2 1974, did Mrs. O'Connell continue to relay work-related
3 instructions to you --

4 A Yes.

5 Q -- during the course of the day?

6 A Yes, from Mrs. Murray. Mrs. Murray would tell --
7 right.

8 Q And then she would tell you?

9 A Yes.

10 Q When she relaid one of these instructions to you,
11 whatever it may have been, did she always say to you,
12 Carmela, Mrs. Murray told me to tell you to do this, or
13 did she sometimes say, Carmela, work on this now?

14 MR. SCHER: Objection.

15 JUDGE HERMAN: Overruled.

16 MR. SCHER: Well, Mr. -- your Honor, are we going
17 to allow on redirect speculative questions from the counsel
18 for the General Counsel?

19 JUDGE HERMAN: You know, I wasn't going to say
20 anything about redirect, cross. It's pretty obvious --

21 MR. SCHER: Well --

22 JUDGE HERMAN: -- it's pretty obvious where the
23 witness' sympathies lie. The lines of leading and direct
24 and cross in a situation like this tend to get somewhat
25 confused or blurred is a better word. But I don't see

1 Now, did you get the question?

2 THE WITNESS: Which one? The last one?

3 JUDGE HERMAN: The question that was just read
4 back by the Reporter.

5 THE WITNESS: Well, I answered it.

6 JUDGE HERMAN: What was the answer?

7 (Record read.)

8 A Well, Mrs. Murray said to do this.

9 JUDGE HERMAN: You mean everytime she gave you a
10 direction, she said, "Mrs. Murray told me" --

11 THE WITNESS: Mrs. Murray wants you to do this or
12 said for you to do that.

13 JUDGE HERMAN: All right.

14 MR. WEINRICH: Nothing further, your Honor.

15 JUDGE HERMAN: Mr. Kushner?

16 MR. KUSHNER: No questions.

17 JUDGE HERMAN: Do you have anything relating to
18 that?

19 MR. SCHER: No.

20 JUDGE HERMAN: You're excused.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 JUDGE HERMAN: Off the record.
24
25

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P R O C E E D I N G S

MR. WEINRICH: Your Honor, General Counsel calls as its next witness Joyce Brown.

Whereupon,

JOYCE BROWN

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, testified as follows:

JUDGE HERMAN: Give your name and address.

THE WITNESS: Joyce Brown, 99 Atlantic Avenue, Blue Point, L. I.

DIRECT EXAMINATION

Q (By Mr. Weinrich) Mrs. Brown, have you ever been employed by the Respondent in this proceeding, Solboro Knitting Mills, Inc.?

A Yes.

Q And when did you begin working for Solboro?

A September 3, 1974.

Q And are you still working for Solboro at this time?

A No.

Q When did you stop working for Solboro?

A October 25th.

Q Also of 1974?

A Right.

Q While employed by Solboro, Mrs. Brown, what type of

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1 work did you do? What type of machines, if any, did you
2 work on?

3 A Air compressor. I put on collars, buttons, button
4 holes, and merrow.

5 Q Did you work on all of the machines that you mentioned
6 during the same periods of time, or did you work on one
7 machine and then during the subsequent period switch to
8 another machine?

9 A Switching.

10 Q When you first started, which machine did you work on?

11 A An air compressor machine that put on collars.

12 Q And the collars that were put on, these were collars
13 that were put on sweaters; is that correct?

14 A That's correct.

15 Q Where in the production process did that take place?

16 A Before the packing.

17 Q So that was near the end of the production process?

18 A Right.

19 Q Now, what type of machine put on the buttons and
20 button holes?

21 A A button machine and a button hole machine.

22 Q And where in the production process were the buttons
23 and button holes put on?

24 A They were put on after marking, after the labels,
25 after the binding, after the sleeves were put on.

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1 Q What was done after the buttons and the button holes
2 were put on?

3 A They went over to the cleaning table, they got cleaned,
4 pressed.

5 Q And would that be before or after the collars were
6 put on?

7 A That would be before.

8 Q And the merrowing, what did you merrow?

9 A Cuffs, belts.

10 Q Were there other merrowing procedures besides mer-
11 rowing of cuffs and belts on the sweater?

12 A Yes, the sleeves had to be merrowed together, closed.
13 They had to be merrowed onto the sweater, and they had to
14 be merrowed around the sweater.

15 Q So was the merrowing of the cuffs and belts a differ-
16 ent procedure than the merrowing of the seams?

17 A Yes.

18 Q Where in the production process did the merrowing of
19 the cuffs and the belts take place?

20 A Where in the process?

21 Q Yes, as compared to the other procedures.

22 A I'd say in between.

23 JUDGE HERMAN: That's very vague, you know. If you
24 are trying to establish something, I don't know how you
25 can establish on that kind of testimony.

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1 MR. WEINRICH: I will come back to that later then.
2 Something I will go into first, Your Honor.

3 Q Now, in specific points in time, I call your atten-
4 tion to the date of October 4th of 1974.

5 Were you doing all three of these types of jobs prior
6 to October the 4th, 1974?

7 A All three that I just mentioned?

8 Q Yes.

9 A As I recall, yes.

10 Q After you were employed by Solboro, did there come
11 a time when you had occasion to discuss the subject of
12 union organization with your fellow employees?

13 A Yes, I did.

14 Q Do you recall when your first discussion took place

15 A In the latter part of September.

16 Q Where did this discussion take place?

17 A At the lunch table.

18 Q At what time of day?

19 A Between 12:00 and 12:30.

20 Q Do you recall who you spoke to?

21 A Yes, Grace. We were talking -- well, I was talking
22 to Grace.

23 She had asked me what I thought about unions, and
24 had said I'm all for it.

25 Q Who else was present at this discussion?

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1 A Oh, let's see.

2 You are talking about the fourth?

3 Q Well, I'm talking about -- you said you had a discus-
4 sion in late September of 1974.

5 A September, right, late September.

6 There was Millie -- two Millies as I know them. There
7 was Donna, Carmer, Anna and Julie.

8 Q Following this discussion that you just testified to,
9 did there come a time when you were contacted by a repre-
10 sentative of Local 107 of the International Ladies' Garment
11 Workers Union?

12 A Yes. Gaby had called me up and asked if he could
13 come to my house.

14 Q Gaby?

15 When was that?

16 JUDGE HERMAN: Who is Gaby?

17 THE WITNESS: He is the union representative.

18 JUDGE HERMAN: Mr. Sciacca?

19 THE WITNESS: Right.

20 When was that? That was October 3rd.

21 Q (By Mr. Weinrich) And did Mr. Sciacca come to your
22 home on that evening?

23 A Yes, he did.

24 Q Did you enter into a conversation with Mr. Sciacca
25 on that evening?

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1 A Yes. He asked me if I was interested in joining the
2 union, and I said yes, that I had belonged to it once be-
3 fore.

4 Q Do you recall if Mr. Sciacca gave you anything on
5 that evening?

6 A Yes. He gave me a card to fill out.

7 Q If you recall, will you tell us what, if anything,
8 Mr. Sciacca said to you about that card?

9 A He said the card was so that he could represent me
10 for the union.

11 Q Did he give you a card?

12 A Yes, he did.

13 Q What did you do with that card?

14 A I filled it out.

15 Q Did you read it?

16 A Yes.

17 Q I show you General Counsel's Exhibit No. 9 in evi-
18 dence, and ask you if this is the card that you just tes-
19 tified to -- or about?

20 A Yes, it is.

21 Q Does your signature appear on that card?

22 A Yes, it does.

23 Q Did you sign it?

24 A Yes, I did.

25 Q Did you fill out the other information on the card?

1 A Yes, I did.

2 Q Did you date it?

3 A Yes, I did.

4 Q Mrs. Brown, did there come a time when the employer
5 of Solboro had occasion to speak with the employees con-
6 cerning the union?

7 A Yes. It was October 4th.

8 Q And at what time of day did this conversation take
9 place?

10 A It was just before the lunch bell rang.

11 Q And where?

12 JUDGE HERMAN: Just before the lunch what?

13 THE WITNESS: Lunch bell rang to end the lunch time.

14 Q Where did this conversation take place?

15 A At the lunch table in the back of the shop.

16 Q Who was at the table at that time?

17 A Millie, Carmen, Anna, and Dru the presser, Grace,
18 Donna, Julie, Richie the presser, and the other Millie.

19 Q Was Richie the presser?

20 A Right -- Not the presser, the knitter, sorry.

21 Q Now, if you recall, who spoke at that meeting?

22 A Mr. Murray.

23 Q If you recall, will you tell us what Mr. Murray said?

24 A Mr. Murray said he'd like to take a little bit of
25 our lunch hour if we didn't mind, and that he had spoken

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1 to his accountant, and that he was \$1500 in the hole; and
2 that he heard that we were talking about union, and if
3 this continues Solboro would be out of business; and, "You
4 girls do what you wish."

5 Q Mrs. Brown, did there come a time when you saw Mr.
6 Sciacca at the Solboro plant?

7 A Yes, I did, on October 8th.

8 Q And at what time of day did you first observe Mr.
9 Sciacca on October the 8th?

10 A About five to eight.

11 Q And did you have a conversation with Mr. Sciacca at
12 that time?

13 A He said that, "I have a button and leaflets," and,
14 "Would you please put this on and wear it into the shop?"

15 I took the button and the leaflet, and I went in to
16 work.

17 Q I show you General Counsel's Exhibit No. 11 in evi-
18 dence, and ask you if this is the type of button you were
19 given that morning.

20 A Yes, I was.

21 Q After going in to work on the morning of October the
22 8th, 1974, Mrs. Brown, did any representative of management
23 speak with you about the button?

24 A No.

25 Q Were you present when any representative of management

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1 spoke to any other employee about the button?

2 A Yes.

3 Q Who spoke; which representative of management spoke
4 to an employee?

5 A I heard Mrs. Murray ask Grace --

6 Q We'll work up to that. You answered my second ques-
7 tion.

8 Who did she speak with?

9 A Grace.

10 Q Where did the conversation take place?

11 A At Grace's machine.

12 Q Would that be Grace Rugolo?

13 A Right.

14 Q Where were you in relation to Mrs. Murray and Grace
15 Rugolo at that time?

16 A In back of her, I'd say, about six feet.

17 JUDGE HERMAN: In back of who?

18 THE WITNESS: In back of Grace.

19 Q If you recall, will you tell us what Mrs. Murray
20 said to Grace Rugolo, and what Grace Rugolo said to Mrs.
21 Murray, if anything?

22 A Mrs. Murray asked Grace if it was against the law
23 to wear the button, and Grace had said no.

24 Q Do you recall if Mrs. Murray said anything else?

25 A She had also said that, "I don't like things worn

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1 like that in my home."

2 Q Do you recall if Grace said anything else?

3 A No.

4 Q During that conversation was anybody else, any other
5 representative of the company, present besides Mrs. Murray
6 Harkavy?

7 A Yes. Mr. Murray was there standing next to her.

8 Q Did you hear Mr. Murray say anything?

9 A Mr. Murray just turned around and said, "That's
10 enough, Rita, come on."

11 Q Now, Mrs. Brown, during the period of your employment
12 with Solboro, both prior to October 4th, 1974, and after
13 October the 4th of -- I will withdraw that question at
14 this point, Your Honor.

15 Are you familiar from your observations while employed
16 at Solboro of the order in which the various processes were
17 accomplished to produce sweaters?

18 The order of production is basically what I'm in-
19 terested in.

20 A Yes, pretty much so, I think.

21 Q If you would, Mrs. Brown, would you tell us from --
22 based upon your observations, from the beginning of the
23 production process to the end of the production process,
24 what steps took place and in what order those steps took
25 place?

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1 A They would be knitted first. They would be rolled,
2 stacked in a bin. Then Donna would take them and separate
3 them. Then they would be put over to be pressed. Then
4 they would go to Jo, who cut them, and sometimes Mrs.
5 Murray did. And then they would go to Grace, and then
6 they would go to --

7 Q What did Grace do?

8 A Grace closed the sleeves and the shoulders.

9 Q On which machine was this?

10 A Merrow machine.

11 Q Well, the names of the employees you are giving us
12 at this point, at what point in time were they doing this
13 work?

14 A You mean in what step?

15 Q No, no. Was it before or after October the 4th?

16 A Before October 4th, and --

17 Q So, continue.

18 Grace -- you were telling us what Grace did and what
19 step that was in.

20 A Right.

21 Q You said she had merrowed.

22 A The sleeves and the shoulders.

23 Q Did anybody else -- What happened after Grace?

24 A Then it would go to Carmen, and Carmen would set the
25 sleeves.

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1 Q On what type of machine were the sleeves set?

2 A Merrow.

3 Q After Carmen set the sleeves on the merrow machine,
4 what process took place?

5 A Well, sometimes Carmen and Grace would merrow around
6 the sweater too. And --

7 Q When you say merrow around the sweater, what was be-
8 ing closed?

9 A Just the border was being closed and -- I'm wrong.
10 I think before the sleeves were put on, the binding
11 was to be put on.

12 Q On which machine was the binding put on?

13 A I believe it's called the mauser.

14 Q Who put that on?

15 A Mary.

16 Q That would be Mary White?

17 A Right.

18 Q After the mauser operation, which operation took place?

19 A After the mauser it would get labels.

20 Q Who put on labels?

21 A Mary White and Anna, and Margaret.

22 Q Margaret?

23 After the labels were put on, what operation would
24 take place?

25 A After the labels were put on, they would go for mark-

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1 ing -- sometimes before the labels were put on, too.

2 Q What was marked?

3 A What was marked? The binding.

4 Q For what purpose was it marked?

5 A To put button and button holes on.

6 Q Who did the marking?

7 A Julie.

8 Q After the garment was marked?

9 A After the garment was marked, sometimes before the
10 garment was marked, Margaret or Mrs. Murray would tack
11 down the binding, and then I would get it.

12 Sometimes it would be marked before or after. Well,
13 mostly, you know, after. Yes, I'd say more or less after.

14 And then --

15 Q What would you do when you got it?

16 A I would put buttons on and then button holes and
17 cuffs and collars.

18 Q What about pockets?

19 A Pockets Margaret put on.

20 Q Where?

21 A That was done -- pockets were done before it went to
22 marking.

23 Q After you put on the buttons and the button holes,
24 what would be done with the sweaters?

25 A It goes over to the cleaning girls, and they clean it.

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- 1 Q Who were the cleaning girls, or who were they clean-
2 ing girls at that time?
- 3 A Millie, Donna and Julie.
- 4 Q There are two people you referred to as Millie.
- 5 A Yes. I don't know their last names.
- 6 Q Are one of the people -- or, is one of the persons
7 that you refer to as Millie Carmela?
- 8 A I'm sorry, the other Millie was the packer. Wrong,
9 there was one Millie -- Millie, Julie and Donna.
- 10 Q The Millie you are referring to now --
11 Were you present in the room yesterday?
- 12 A Yes.
- 13 Q Did that Millie testify?
- 14 A Yes.
- 15 Q So would that be Carmela Cacoperdo?
- 16 A Right.
- 17 Q After the cleaning, what was done to the sweater?
- 18 A After the cleaning it would get pressed.
- 19 Q Who would do the pressing?
- 20 A Andrew the presser.
- 21 Q After the sweater was pressed, what would happen to
22 it?
- 23 A After the sweater was pressed, it would go to have
24 collars put on.
- 25 Q Who would put the collars on it?

1 A Me and sometimes Jo and sometimes Millie.

2 By hand, Millie would do it because she didn't care
3 too much for the machine, I guess; I don't know.

4 Q After the collars were put on the sweater, what would
5 happen next?

6 A They'd get packed and boxed.

7 Q Who packed and boxed the sweaters?

8 A Millie.

9 JUDGE HERMAN: This is a different Millie? Is --
10 This is not Carmela?

11 THE WITNESS: No, it's another Millie. I don't re-
12 call the last name.

13 Q What did Ana do?

14 A Excuse me?

15 Q What did Ana do? What was her job at that time?

16 A Ana, she did -- she put binding on the cuffs and the
17 collars, the ribbon, and she blind-stitched the cuffs and
18 the collars.

19 Q You said you also worked on the cuffs and the collars.

20 A Right.

21 Q What was the difference between what you did and
22 what Ana did?

23 A I merrowed the cuffs; Ana put ribbon on the cuffs.

24 I tacked on the collars; Ana put ribbons on the collars.

25 Q So, when you merrow the cuffs, you attach it to the

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1 sweater?

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2 A No, no.

3 Q What does the merrowing of the cuffs mean?

4 A It closes the seam.

5 Q While you were employed by Solboro, did there come a
6 time when various employees began to be laid off?

7 A Yes.

8 Q Following the layoff of employees, did the production
9 process, the order in which production took place, change
10 in any way?

11 A Yes -- not -- You mean as far as going around?

12 Q I mean as far as the various steps.

13 Well, let me withdraw that.

14 Were the people who performed the various production
15 procedures changed in any way, and how were they changed
16 after the layoff --

17 A Well, yes.

18 Q -- began?

19 A Yes. More work was put upon more people.

20 Q Well, who performed the separating work?

21 A The separating work? Millie did it after Donna was
22 gone.

23 Q Which Millie is this?

24 A Carmela.

25 Q And who did the work that was formerly done by Marga

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1 Passannante?

2 A Mrs. Murray and Ana.

3 Q Who did the work that was formerly performed by Mary
4 White?

5 A Mrs. Murray.

6 Q Who did the work formerly performed by Grace Rugolo?

7 A Carmen.

8 Q Who did the work that Carmen was doing when Grace
9 Rugolo was still working?

10 A You mean who did Carmen's work?

11 Q Right.

12 A Carmen, Mrs. Murray did some of it.

13 Q Did your job change in any way after the layoff, the
14 type of work you performed?

15 A No, not really.

16 I had -- I was going to say I had, you know, jumping
17 more so.

18 Q Among the various jobs that you described before?

19 A Right.

20 Q When you use the expression "after the layoff," I
21 take it you are referring to the period during which the
22 layoffs were in progress?

23 MR. WEINRICH: That's correct, Your Honor.

24 Q The period from October the 4th until the time that
25 you stopped working, October 25th, during that period be-

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1 between October the 4th and October 25th, did you observe
2 if any of the various employees who were still working for
3 the company were or were not able to keep up with the
4 amount of work that they had?

5 MR. SCHER: Objection.

6 JUDGE HERMAN: I will sustain that.

7 If you care to rephrase it --

8 Q Well, what, if anything, did you observe about Ana's
9 work during the period between October 4th and October 25th
10 the work that Ana was performing?

11 A She was trying to keep up the best she could.

12 Q What do you mean by that?

13 A Between October 4th?

14 Q Between October 4th, the time the layoffs began, and
15 the time that you stopped working, what, if anything, did
16 you observe about Ana Nemec's work?

17 A She was trying to keep up.

18 Q Well, can you explain that further? What do you
19 mean by "she was trying to keep up"?

20 A Well, she had to dot collars and the cuffs, and,
21 after Grace had left, and -- well, not so much -- after
22 Margaret left, well, there were pockets to be done too.
23 And after Mary had left there was labels to be done.

24 And she was trying to make the cuffs and the collar
25 so that I would have work, plus, you know, do Mary's label-
ling.

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1 JUDGE HERMAN: You mean she was performing more func-
2 tions than she had performed prior?

3 THE WITNESS: Well, she had worked on those machines
4 before, but I wouldn't say rushed or trying to give the
5 next people -- she gave the next people work before which
6 went along, you know, as production should.

7 But right after that I got, you know, what I could
8 get, and then I was sent home.

9 JUDGE HERMAN: Well, you are saying that Mrs. Nemec
10 worked faster or produced more than she had formerly done?

11 THE WITNESS: She was trying to keep up on more ma-
12 chines than I think she could handle.

13 MR. SCHER: Objection.

14 JUDGE HERMAN: I will strike that last part about
15 she thought she could handle.

16 Q (By Mr. Weinrich) Did you observe, Mrs. Brown,
17 whether Mrs. Nemec did in fact keep up with the flow of
18 work as it had existed prior to the time the layoffs began?

19 MR. SCHER: Objection.

20 JUDGE HERMAN: Did you notice any difference in the
21 way Mrs. Nemec was working after the layoffs began from
22 the way she was working prior?

23 THE WITNESS: Being rushed.

24 JUDGE HERMAN: What do you mean by that?

25 THE WITNESS: What do I mean by that? Get a little

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1 bit done on this machine, then do it on that machine, then
2 go back to that machine, and then go back to this machine.
3 That's what I mean.

4 JUDGE HERMAN: She hadn't been doing that before?

5 THE WITNESS: Well, she was on, like, one machine
6 for half a day and then maybe, you know, do the other one
7 the other half day.

8 JUDGE HERMAN: This was before?

9 THE WITNESS: Right, you know.

10 JUDGE HERMAN: And she was switching more often?

11 THE WITNESS: Right.

12 Q (By Mr. Weinrich) During this period that you tes-
13 tified she was switching more often, did you observe wheth
14 Mrs. Nemec was able to complete the work that was assigned
15 to her?

16 MR. SCHER: Objection.

17 JUDGE HERMAN: Sustained.

18 Q During the period that you testified that Ana Nemec
19 was, as you have described, being rushed, did you observe
20 if anyone was assigned to assist her?

21 A Carmen was.

22 Q And when Carmen was assigned to assist Ana Nemec,
23 who worked on the merrow machine?

24 A Mrs. Murray.

25 Q Were you ever asked to assist Ana?

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1 A No.

2 Q Did you ever offer to assist Ana?

3 A Yes, I did.

4 Q Who did you make this offer to?

5 A Mrs. Murray.

6 Q What did you say to her, and what did she say to you?

7 A I had said to her that I'd run the blind-stitch
8 before, for four years, and that, you know, could I give
9 it a try.

10 So, she had said, no, it would take too long to train
11 me because the machine was air-compressed, it was differ-
12 ent than what I had been used to.

13 Q Had you worked an air-compressed machine before?

14 A Not on the blind-stitch, no.

15 Q On any other type of air-compressed machine?

16 A Only the ones that put on the collars.

17 Q Did the fact that Ana Nemec was rushed, that you
18 testified that Carmen was asked to assist her, and that
19 Mrs. Murray then did Carmen's work, this switching around,
20 this rushing that you testified to; did it have any im-
21 pact on your work?

22 MR. SCHER: Objection.

23 JUDGE HERMAN: Overruled.

24 You may answer.

25 A Well, it slowed my hours down.

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1 JUDGE HERMAN: What do you mean, slowed your hours?

2 THE WITNESS: In other words, I went home early.

3 Q Now, based upon your observations while employed at
4 Solboro, prior to the time that the layoffs commenced, did
5 you observe any slowdown in production?

6 A Are you talking about before October 8th?

7 Q I'm talking about before the first layoff on October
8 4th of Margaret Passamante.

9 A No, not really, as I recall.

10 Q Were the knitting machines working at that time, as
11 you recall?

12 A Yes, as I recall, yes.

13 Q Did you observe if any goods were being cut at that
14 time?

15 A Yes, as I recall, yes.

16 Q After goods were cut, were they stored in any way?

17 A Well, after they were knitted, they were stored; and
18 then, after they were cut, they were piled up next to the
19 presser.

20 Q Could you give us, based upon your observation,
21 prior to October 4th the supply of knit and cut goods on
22 hand to be worked on in the Solboro plant?

23 MR. SCHER: Objection.

24 JUDGE HERMAN: What is the basis for that objection?

25 MR. SCHER: I think the question lacks specificity

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1 in that the counsel for the General Counsel hasn't made
2 clear what he is looking for.

3 Is he talking about tonnage, weight? Is he talking
4 about numbers of boxes? Is he talking about full the boxes
5 are?

6 We don't have any foundation yet that would estab-
7 lish Mrs. Brown's testimony as qualifying her.

8 JUDGE HERMAN: Mr. Weinrich, would you care to re-
9 phrase your question?

10 MR. WEINRICH: Certainly, Your Honor.

11 Q (By Mr. Weinrich) You testified that certain goods
12 were stored, both after knitting and piled up after cutting.

13 Where were the goods stored after knitting?

14 A After knitting they were stored in bins.

15 Q In bins?

16 A Yes.

17 Q Where were the bins located?

18 A One was right behind me, and the other was off to
19 my left.

20 Q Did you have occasion to see how much work or how
21 many goods were stored in these bins?

22 JUDGE HERMAN: How many goods?

23 What was stored in them? What kind of things were
24 stored in them? Were they sweaters?

25 THE WITNESS: They were going to be sweaters, yes.

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1 It was the material for them.

2 JUDGE HERMAN: Was it just material in which some
3 work had been done?

4 THE WITNESS: They were already knitted.

5 JUDGE HERMAN: They were already knitted?

6 THE WITNESS: Right.

7 JUDGE HERMAN: Go on.

8 Q (By Mr. Weinrich) Were these bins full or empty in
9 the period just prior to October the 4th?

10 A It would vary from day to day.

11 If they would get used up, then they would put more
12 work back in them. But the one off to the left had already
13 had knit goods in it for quite a while. That was always,
14 you know, pretty full.

15 Q And the one behind you?

16 A The one behind it would be taking and doing the work
17 right from that one.

18 In other words, it would be stacked maybe six, seven
19 rolls, ten rolls, twelve rolls, whatever, and it would be
20 taken -- Ana would take it and then separate it.

21 Q During the period after October 4th did you have oc-
22 casion to observe these bins?

23 A Yes.

24 Q Were there materials, were there knit goods in the
25 bins after October 4th until the time of your layoff?

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1 A Yes.

2 Q Were the bins periodically filled and emptied, as
3 you testified they would be, goods taken out and new goods
4 put in?

5 A Like I said, it would vary from day to day, and
6 there was stuff there to be separated from the bins.

7 JUDGE HERMAN: Did you notice any difference between
8 the degree to which those bins --

9 THE WITNESS: The amount?

10 JUDGE HERMAN: That's right; amount of those bins
11 before and after the layoffs started.

12 THE WITNESS: Well, the one on the left had been
13 there after the layoff, which was full.

14 JUDGE HERMAN: You mean it had as much material in
15 it as it had had before?

16 THE WITNESS: Yes.

17 Q (By Mr. Weinrich) Now, after the layoffs began on
18 October the 4th, did you observe whether knitting continued?

19 A The machines were still going as far as I could see.

20 JUDGE HERMAN: How many?

21 Q Until when?

22 A Until when?

23 JUDGE HERMAN: How many machines?

24 THE WITNESS: That I don't know.

25 My machine -- what I could see is the spools of

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1 thread, two setups with some spools of thread on each setup
2 going around.

3 JUDGE HERMAN: Could that have been the result of just
4 one knitting machine operating?

5 THE WITNESS: It could have; it couldn't have.

6 JUDGE HERMAN: You say you don't know?

7 THE WITNESS: All I said is I see these rings that
8 hold the spools of thread and they were moving.

9 JUDGE HERMAN: But that could have been because one
10 machine was working?

11 THE WITNESS: Yes, it could have been, yes.

12 Q (By Mr. Weinrich) Did you observe if any work was
13 cut after the layoffs began?

14 A Yes, it was.

15 Q Did the knitted goods that were put in production at
16 Solboro, did they contain any sort of identifying tags?

17 A Yes, they did.

18 Q What type of tags did they contain?

19 A Small white tags that were clipped onto the sleeve
20 bundles, the pressing bundles.

21 Q What would the tags indicate?

22 A Indicate how much was in a lot, what color.

23 They all have numbers on them that indicate various
24 things. Some I know, and some I don't.

25 Q Did you have occasion to take tags from any of the

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1 goods cut after the layoffs began?

2 A Did I take them? No, I didn't take them.

3 Q Did tags come into your possession?

4 A Yes, they did.

5 Q How did the tags come into your possession?

6 A Carmen gave them to me.

7 MR. WEINRICH: Your Honor, I have eight tags that I
8 would like to have marked for identification as General C
9 Counsel's Exhibit, I believe --

10 JUDGE HERMAN: 13.

11 MR. WEINRICH: -- 13-A through -H.

12 (Documents above referred to
13 marked General Counsel's Ex-
hibit No. 13 for identification.)

14 (Discussion off the record.)

15 JUDGE HERMAN: On the record.

16 Q (By Mr. Weinrich) Mrs. Brown, I show you these tags
17 marked as General Counsel's Exhibit 13-A through 13-H, and
18 ask you if you can tell us what these tags are, and what
19 they represent.

20 A These tags are off each lot. They represent, as far
21 as I can make out, the amount that's in the lot and the
22 style.

23 Q Now, when you say taken from each lot, is it taken
24 from each lot of a particular part or from each lot before
25 it goes into production?

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1 Q During the period from October the 4th to October
2 the 25th when you left the employ of the company, were any
3 of the production processes stopped?

4 MR. SCHER: Objection, Your Honor.

5 The General Counsel's question is defective because
6 it doesn't seek to call upon a sense of the witness but,
7 rather, calls for a conclusion. He is not asking her
8 whether she saw or heard; he is asking for --

9 JUDGE HERMAN: I understood the question to mean
10 whether she actually saw that one production process was
11 not being performed.

12 MR. SCHER: That was not the question.

13 MR. WEINRICH: I'm sorry for my defective question,
14 Mr. Scher.

15 Q During the period from October the 4th until October
16 the 25th, 1974, Mrs. Brown, did you observe if any of the
17 production processes had stopped?

18 A Yes.

19 Q Which production process?

20 A The knitting machine.

21 Q When did the knitting machine stop?

22 A Around the last two weeks of October, as I recall.

23 Q At the time that you left the employ of the company
24 on October the 25th, besides the knitting machine, did you
25 observe if any of the other production processes had stopped?

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1 A As I recall, no.

2 JUDGE HERMAN: Let's not push this.

3 MR. WEINRICH: I have no further questions, Your
4 Honor.

5 JUDGE HERMAN: Do you have anything, Mr. Kushner?

6 MR. KUSHNER: No.

7 JUDGE HERMAN: You may cross-examine, Mr. Scher.

8 CROSS-EXAMINATION

9 Q (By Mr. Scher) Mrs. Brown, in your testimony des-
10 cribing the various steps in the production flow at the
11 company, in different steps, you provided us with the name
12 of an employee, in some cases more than one employee, who
13 did the work at that particular step; is that correct?

14 A Yes.

15 Q Now, you also described your period of employment
16 as having begun on September 3.

17 A September 3rd, I believe, yes.

18 Q And it went through October 25th.

19 Now, during the month of September when you were
20 employed by the company, were there days that you were
21 employed where some other employees were absent from work?

22 A During the month of September?

23 Q Yes.

24 A People ill or --

25 Q Or out for other reasons.

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1 A Yes.

2 Q On those days what would happen to the work that
3 they were doing?

4 A Mrs. Murray would substitute.

5 Q Would other employees also substitute?

6 A Yes.

7 Q For example, Mary White's work, you testified that
8 Mary White worked on the mauser machine.

9 A Yes.

10 Q Is that a fairly easy machine to work?

11 A I don't know. I never worked it.

12 Q Did other people in the shop work the mauser machine
13 before Mrs. White?

14 A Mrs. Murray.

15 Q How about other than Mrs. Murray?

16 A That's all I ever recall seeing on the machine.

17 Q How about at any other stage of the production flow,
18 the stages that you are familiar with where you saw vari-
19 ous people working, when someone was out, either ill or
20 absent for other reasons, would other employees fill in
21 and work that work?

22 A Yes.

23 Q And when you were absent --

24 During the period from your employment -- from Sep-
25 tember 3 to October 25, were there times that you were

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1 A Yes.

2 Q Now, isn't it a fact that was also true during the
3 month of September; that there was some work that had been
4 knit that wasn't put into production?

5 A Yes.

6 Q You also testified that between October 4 and Oc-
7 tober 25 that there were some goods that had been cut that
8 were not put into production.

9 A Yes.

10 Q Isn't it a fact that during the time you were employed
11 in September that that was also true; that there were goods
12 that were cut and not put into production?

13 A Repeat that.

14 Q Isn't it true that during the month of September
15 that there were goods that were cut that were not put into
16 production?

17 A That were cut in September and not put into produc-
18 tion? They were put in production.

19 Q Well, you say "they" as if I'm talking about some
20 particular goods.

21 What I'm asking you is: Isn't it true that all dur-
22 ing the time that you were employed from the beginning to
23 the very end that there was stuff, some stuff that had
24 been knitted and didn't go into production, some stuff that
25 had been cut and didn't go into production?

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1 A There was stuff that was knitted -- well, I couldn't
2 tell you when it was knitted, but it was in the bins and
3 wasn't put in production until, I'd say, the middle of --
4 well, more towards the end of September.

5 Q Well, isn't there stuff that's always been knitted,
6 for example, for samples?

7 A Oh, yes.

8 Q And does not go into production?

9 A Yes.

10 Q Isn't it true that there is stuff that's always been
11 knitted for orders where an order can be cancelled and the
12 material does not go into production?

13 A Yes.

14 Q Isn't it true that there is stuff that's cut and the
15 order is cancelled and doesn't go further in production?

16 A Yes.

17 Q Incidentally, you testified that you recalled the
18 knitting machine stopped during the last two weeks of Oc-
19 tober.

20 A Yes.

21 Q Was that knitting machine immediately near you that
22 you testified earlier that you were able to see the spools
23 and everything like that?

24 A That I could see the spools?

25 Q Was that the machine you meant that you had seen

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1 shop during the month of September?

2 A No, I didn't know they got a telegram.

3 Q At the beginning of your testimony you described your
4 period of employment for the company and you indicated that
5 it came to a close on October 25, correct?

6 A Right.

7 Q How did your employment terminate?

8 A Well, I had been sick and --

9 Q Now, was this during the period of employment that
10 you were sick that you just described earlier; that is to
11 say, these days that you were out sick?

12 A I wasn't out from the company, no, but I had been
13 sick myself and still went to work.

14 Q All right.

15 And go on. What happened?

16 A Okay.

17 Q How did that relate to your finishing up with the
18 company?

19 A I had been offered another job.

20 Q With another company?

21 A Right.

22 Q And?

23 A I took it.

24 Q And you advised the company that you were resigning?

25 A Well, I had called up and called in sick, which I

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1 was, and --

2 Q Did you report to work?

3 A It was a weekend.

4 JUDGE HERMAN: What day was it that you called in?

5 THE WITNESS: What day was it?

6 JUDGE HERMAN: Yes, what date or day of the month.

7 THE WITNESS: Twenty-eighth, as I recall, it was the
8 twenty-eighth.

9 JUDGE HERMAN: I thought your employment terminated
10 on the twenty-fifth.

11 THE WITNESS: That would be a Friday, right?

12 JUDGE HERMAN: Oh, you called in the following Monday?

13 THE WITNESS: Right.

14 Q (By Mr. Scher) What did you say to the company?

15 A I said that I wasn't feeling good. I didn't call.

16 Q Who made the call for you?

17 A I believe it was my sister.

18 Q Did she tell you what she advised the company on
19 your behalf?

20 A That I was sick.

21 Q And what about your employment, your continued em-
22 ployment with the company?

23 A What do you mean, what about my employment?

24 Q Did your sister tell the company that you would no
25 longer be coming to work for Solboro?

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1 A No.

2 Q How did you communicate to the company that you had
3 taken another job?

4 A Well, she had said, "Have Joyce call me before she
5 comes back."

6 And my husband had called that Friday and told her
7 that I wouldn't be back in.

8 Q So it was your husband that made the call to the com-
9 pany?

10 A The second call.

11 Q That is after your sister called your husband called?

12 A Right.

13 Q It was your husband who advised the company that you
14 were taking another job and would not be back with the
15 company?

16 A He didn't advise them I would be taking another job,
17 just that I would not be back.

18 Q That you would not be back?

19 A Right.

20 Q You also testified that after the layoffs began on
21 October 4 and the way the flow of production was going that
22 you were working shorter hours for the company.

23 A Yes.

24 Q Did you give a statement to an agent of the National
25 Labor Relations Board on November 6, 1974?

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1 A Yes.

2 Q And in that discussion with the Board agent did you
3 make the sworn statement that, "My employment at the com-
4 pany when I quit because I was receiving shorter hours and
5 losing pay." Did you make that statement, that sworn state-
6 ment to the agent?

7 A Yes, I did.

8 Q Now, did you thereafter have a discussion about your
9 claim of working shorter hours after October 4 with Mr.
10 Sciacci of the union?

11 A Yes, I did.

12 Q And as a result of that discussion did the union file
13 a charge at the National Labor Relations Board on your be-
14 half?

15 MR. WEINRICH: Objection, Your Honor.

16 I don't see that charge. If filed, it's not before
17 us.

18 I will stipulate, though, a charge was filed or it
19 is before us; it is an amended charge. But it is not an
20 issue in this case, not alleged in the complaint, and not
21 relevant to the question.

22 JUDGE HERMAN: Is that stipulation satisfactory to
23 you?

24 MR. SCHER: No.

25 Your Honor, it seems to me that, to begin with, the

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1 General Counsel's own description of Mrs. Brown's status
2 during this proceeding on direct examination, he charac-
3 terized Mrs. Brown as having been laid off. That's in
4 the record.

5 Number two, the counsel for the General Counsel has
6 not indicated that Mrs. Brown is in any special category
7 as an employee. As a matter of fact, he's called her as
8 a witness to support the allegations in the complaint re-
9 garding the conduct of the company, the effect of the re-
10 lationship between the layoffs and production.

11 And this witness herself has testified that her hours
12 were shorter after October 4, and yet it didn't seem to
13 her to be any diminishment of work. In fact, she painted
14 a picture there was another employee rushing about from
15 machine to machine.

16 It seems to me, therefore, it is not only relevant
17 but exceedingly so that the Government conducted an inves-
18 tigation of a charge that she filed alleging a discrimi-
19 natory treatment by the company in the fact that her hours
20 were allegedly reduced, that the charge was investigated,
21 and that the charge was found to be lacking in basis and
22 merit, particularly with relation to the fact that there
23 was no change in her pattern of work hours before October
24 4 as compared to after it.

25 And, referring to a complaint, I would like to in-

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1 introduce that letter from the Regional Director of Region 29
2 into evidence in this proceeding and have it a part of this
3 record.

4 JUDGE HERMAN: What do you have to say about that,
5 Mr. Weinrich?

6 MR. WEINRICH: Your Honor, first of all, during my
7 examination I tried to be careful to phrase the termina-
8 tion of Mrs. Brown's employment without categorizing it.

9 If I failed to do that, then let me state at this
10 time it is not General Counsel's contention that Mrs. Brown
11 was laid off, and certainly it is not General Counsel's
12 contention that Mrs. Brown was laid off in violation of
13 Section 8(a)3 of the Act.

14 JUDGE HERMAN: We know that. And that's not really
15 responsive to Mr. Scher's point.

16 MR. WEINRICH: The fact that a charge was filed on
17 behalf of Mrs. Brown is already contained in General Coun-
18 sel's Exhibit No. 1 in evidence.

19 The fact that that charge was investigated and is
20 not the subject of this complaint is evident from the
21 reading of this complaint.

22 I will so stipulate that the charge was dismissed
23 by the Regional Director, or that portion of the charge
24 was dismissed, and that in fact an appeal was taken to
25 that dismissal and the appeal was subsequently withdrawn

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1 JUDGE HERMAN: That's right, and I don't see any
2 point in continuing this.

3 He has made an offer, and I have rejected the offer
4 and it is going into the rejected file. There is nothing
5 else, no additional purpose to be served by continuing
6 this.

7 MR. WEINRICH: Except that I would request -- now
8 there's been an offer by Mr. Kushner, I would request
9 before we go any further we have a five-minute recess.

10 JUDGE HERMAN: All right.

11 We will recess for five minutes.

12 (Short recess taken.)

13 JUDGE HERMAN: On the record.

14 MR. SCHER: I would like to have this marked as Re-
15 spondent's Exhibit 2 for identification.

16 (Document above referred to
17 marked Respondent's Exhibit 2
for identification.)

18 MR. SCHER: I would like at this time, Your Honor,
19 to offer it into evidence.

20 JUDGE HERMAN: This being the Regional Director's
21 letter of January 13th dismissing or refusing to issue a
22 complaint in Case No. 29-CA-4058 relating to Joyce Brown,
23 the offer is refused and the exhibit will be put in the
24 rejected file.
25

1 Q During the entire period that you were employed, were
2 there times when you worked less than a full day?

3 A Yes.

4 Q I'd like to ask you, using the assistance of this
5 payroll ledger book which covers your entire period of
6 employment, to tell us two things: how many days of em-
7 ployment did you work less than a full day, and how many
8 of those days were between the time you started, September
9 3, and October 4, and how many were between October 4 and
10 the time you left employment with the company.

11 MR. WEINRICH: I would be glad to enter into a stip-
12 ulation based upon the books and records on that point if
13 agreeable to counsel.

14 MR. SCHER: It is agreeable.

15 MR. WEINRICH: Just read them off.

16 (Discussion off the record.)

17 MR. SCHER: The stipulation entered into between the
18 counsel for the General Counsel and the counsel for the
19 Respondent with respect to partial days worked by this
20 witness during her entire term of employment is as follows:

21 On September 3 she worked 6-3/4 hours.

22 On September 10 she worked 7-3/4 hours.

23 On September 16 she worked 7-3/4 hours.

24 On October 2 she worked 7-1/2 hours.

25 On October 1 she worked 6-1/2 hours.

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1 On October 10 she worked 6 hours.

2 On October 9 she worked 6 hours.

3 On October 15 she worked 5-1/2 hours.

4 On October 14 she worked 6-1/2 hours.

5 On October 25 she worked 7-1/2 hours.

6 On October 23 she worked 7-1/4 hours.

7 On October 21 she worked 7-1/4 hours.

8 On all other days of employment throughout her en-
9 tire employment period -- that is, both before and after
10 October 4, with the exception of her absence on October
11 18 and her absence on Rosh Hashanah and Yom Kippur -- she
12 worked a full eight hours of employment.

13 JUDGE HERMAN: Is that acceptable?

14 MR. WEINRICH: So stipulated.

15 And I would also like to add, if acceptable, that
16 it appears that the plant was closed on the two holidays
17 mentioned.

18 MR. SCHER: That's agreeable.

19 JUDGE HERMAN: Mr. Kushner?

20 MR. KUSHNER: Agreeable.

21 JUDGE HERMAN: The stipulation is received.

22 Proceed, Mr. Scher.

23 Q (By Mr. Scher) Now, Mrs. Brown, on direct examina-
24 tion you testified to an occasion when Mr. Harkavy just
25 before the gong sounding the end of the lunch period came

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1 back and spoke to the group of employees at the lunch table
2 back of the shop and you were amongst that group, and you
3 testified that Mr. Harkavy reported that he had spoken to
4 the accountant and the accountant had told him that the
5 company was \$1500 in the hole, that he had heard that there
6 was talk about a union, and that, if this continues, Sol-
7 boro will be out of business.

8 JUDGE HERMAN: Answer.

9 Q Is that correct?

10 A Yes.

11 Q Now, do you recall reporting this meeting and what
12 Mr. Harkavy said which you heard to the Board agent who
13 investigated for the Board on November 6th, 1974?

14 A Yes.

15 Q Incidentally, was your recollection on November 6
16 of 1974 as to what Mr. Harkavy said and which you heard
17 a good recollection of what had happened?

18 Would you say that you could have -- would you say
19 that your recollection of precisely what Mr. Harkavy said
20 and the order in which he said it was better three months
21 ago than it is today?

22 A Oh, yes.

23 Q I would like to ask you if you said this to the Board
24 agent on November 6 in relation to Mr. Harkavy coming back
25 to the table and what he said and what you heard:

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1 "I know that some of you girls have joined the union.
2 I want you to know that I have talked to my accountant,
3 and he said I'm \$1500 in the hole, and if this continues
4 there will be no more Solboro."

5 MR. WEINRICH: Your Honor.

6 JUDGE HERMAN: Yes?

7 MR. WEINRICH: Before the witness answers the ques-
8 tion, I request that, since counsel is obviously reading
9 from the statement, the witness be allowed to see the
10 statement.

11 JUDGE HERMAN: Certainly.

12 MR. SCHER: No objection.

13 Let the record show that I'm giving the witness the
14 original of her statement, and I'm directing her attention
15 to the bottom of page 3 where a quotation attributed to
16 Mr. Harkavy given by her to the Board agent appears.

17 THE WITNESS: Up to here?

18 MR. SCHER: Yes, to the end of the quote.

19 Q Is that quotation and the statement that you gave
20 to the Board agent which you swore to on November 6 an
21 accurate statement as to what Mr. Harkavy said?

22 A Yes, as far as I recall that, yes.

23 MR. SCHER: I have no further questions.

24 JUDGE HERMAN: Any redirect?
25

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REDIRECT EXAMINATION

1
2 Q (By Mr. Weinrich) You testified on cross-examination
3 that when various employees were absent Mrs. Murray would
4 work their machines.

5 A Yes.

6 Q Did that occur both before and after October the 4th,
7 of 1974?

8 A Yes.

9 Q After October the 4th 1974, if you know, did Mrs.
10 Murray spend more time on the machines than she did before
11 October the 4th?

12 MR. SCHER: Objection.

13 JUDGE HERMAN: Overruled.

14 THE WITNESS: Would you repeat that?

15 MR. WEINRICH: Sure.

16 Q Did Mrs. Murray spend more time working on the ma-
17 chines after October the 4th 1974 than she did before Oc-
18 tober the 4th 1974, if you know?

19 MR. SCHER: Objection.

20 Your Honor, I would like to state the reason for my
21 objection.

22 I don't think that -- regardless of the answer --

23 I don't think that the question -- he is asking for infor-
24 mation which is relevant to this proceeding.

25 We do not have an allegation in this complaint directed

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1 at any of the activities or conduct of Mrs. Harkavy in
2 relation to the production. And, therefore, I fail to
3 see the relevance of the quantity of production work done
4 by Mrs. Harkavy at any point.

5 JUDGE HERMAN: The objection is overruled.

6 Answer the question.

7 A Yes, she wa .

8 Q Based upon your observation, could you tell us with
9 any degree of accuracy, based upon hours a day, from Oc-
10 tober the 4th until October the 25th, 1974, how much time
11 Mrs. Murray spent working on the machines?

12 MR. SCHER: Objection.

13 JUDGE HERMAN: Overruled.

14 MR. SCHER: Your Honor, it seems to me that the coun-
15 sel for the General Counsel is asking the question which
16 is not physically possibly within the realm of knowledge
17 of this witness unless there is some evidence in the way
18 of a foundation that this witness maintained some kind of
19 pocketbook or notebook, or that the proximity of her work
20 station to where Mrs. Harkavy might be throughout the shop --

21 JUDGE HERMAN: You can address those questions on
22 cross.

23 Answer the question.

24 THE WITNESS: Repeat that.

25 JUDGE HERMAN: Do you want the report --

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1 MR. WEINRICH: Would the reporter please read the
2 question?

3 (Pending question read by the reporter.)

4 A Sometimes she'd spend a full day on them.

5 Q Can you tell us how often she spent a full day work-
6 ing on the machines during that period, if you know?

7 A I don't recall.

8 Q Do you recall that questions were asked and even-
9 tually a stipulation was entered into concerning days that
10 you worked less than a 11 day?

11 You don't recall at all that questioning going on?

12 A I don't get the drift.

13 Q What I'm trying to do is call your attention to ques-
14 tions by Mr. Scher concerning days in which you worked less
15 than eight hours for the company and that we eventually
16 entered into a stipulation concerning various days where
17 you worked 6-3/4 hours, 7-3/4 hours.

18 A Do you mean he was questioning on that subject?

19 Q He was question on that subject, and we went through
20 records and entered into a stipulation.

21 A Right.

22 Q Now, do you recall upon any of those days mentioned
23 whether the failure to work less than eight hours was of
24 your own doing because you arrived late or you came in
25 late?

CSA Reporting

1 A It was of my own doing? No, I don't believe so.

2 Q Well, for what reason, then, when you worked less
3 than eight hours did you work less than eight hours?

4 MR. SCHER: Objection.

5 JUDGE HERMAN: Overruled.

6 A For what reason?

7 Q Yes.

8 A Because there were only -- there were fewer people
9 in the shop.

10 JUDGE HERMAN: Why would that cause you to work fewer
11 hours?

12 THE WITNESS: Because the work wasn't being done in
13 the same amount, or how could I put it? You just can't
14 take away five people and leave two to do what five people
15 did.

16 JUDGE HERMAN: Well, are you saying that your failure
17 to work full days was never attributable to any action on
18 your part?

19 I understood you to testify earlier that there were
20 some days when you came late.

21 THE WITNESS: Oh, yes, yes.

22 Q (By Mr. Wehrlich) Is that correct? There were days
23 when you came late?

24 A Yes.

25 Q And were you docked through that period of time?

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1 A Yes.

2 Q Were there days when you were sent home early because
3 work was not available?

4 A Yes.

5 Q Can you tell us on which days you were docked because
6 you were late and on which days didn't you work a full day
7 because you were sent home early?

8 A Precisely?

9 Q If I showed you the records, would you recall?

10 JUDGE HERMAN: If you don't think so, just say.
11 You don't think so?

12 THE WITNESS: I don't recall.

13 Q Do you recall in the period after October the 4th
14 you were late on any occasion?

15 A No, I don't recall.

16 MR. WEINRICH: I have no further questions.

17 JUDGE HERMAN: Mr. Kushner?

18 MR. KUSHNER: I have no questions.

19 RECROSS-EXAMINATION

20 Q (By Mr. Scher) Mrs. Brown, was it your practice
21 after October 4 until the end of your employment with the
22 company to keep a strict eye or observation out on Mrs.
23 Harkavy's work in the shop?

24 A Was it a practice?

25 Q Yes.

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1 A Well, I wanted to know where she was every minute
2 so if she caught me talking.

3 Q Aside from that, aside from your general concern of
4 the whereabouts of your employer or your boss, did you
5 have any -- were you conducting any vigil on exactly where
6 Mrs. Harkavy was or what work she was doing in the shop?

7 A Yes, more or less I would say that.

8 Q What was that in connection with?

9 A To know where she was in case I needed her.

10 Q Did you keep any notes or records on how much time
11 she spent in each location or each machine?

12 A No.

13 Q Did you keep any notes or records on how much time
14 she spent in various places in the shop before October 4?

15 A No.

16 Q Are you aware of the fact that Mrs. Harkavy does
17 designs and samples using the machines?

18 A Yes.

19 Q And did Mrs. Harkavy work from time to time on ma-
20 chines that were not immediately near you?

21 A Yes.

22 Q In some cases out of your direct line of observation,
23 where you could not see her working?

24 A No, I wouldn't say that.

25 Q At all times you could see her working?

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1 A With the machines right around, yes.

2 Q Were there times when you did not know whether she
3 was working on designs or samples or whether she was work-
4 ing on goods that were in production?

5 A I wouldn't know that.

6 Q Well, when you would see Mrs. Karkavy working on a
7 machine would you always know whether it was a design or
8 sample that she was doing or whether it was production that
9 she was doing?

10 JUDGE HERMAN: She said no.

11 MR. SCHER: No further questions.

12 JUDGE HERMAN: Anything?

13 MR. WEINRICH: Nothing further, Your Honor.

14 JUDGE HERMAN: You are excused.

(Witness excused.)

15
16 JUDGE HERMAN: We'll be in recess until 1:30.

17 (Whereupon, at 12:20 p.m., the hearing
18 was recessed, to reconvene at 1:30 p.m., the
19 same day.)
20
21
22
23
24
25

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AFTERNOON SESSION

1:30 o'clock p.m.

JUDGE HERMAN: On the record.

MR. WEINRICH: General Counsel calls as its next witness Donna Moravec.

Whereupon,

DONNA MORAVEC

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, testified as follows:

JUDGE HERMAN: Be seated.

State your name and address, and please keep your voice up.

THE WITNESS: Donna Moravec, 603 North Gillette Avenue, Bayport, Long Island.

DIRECT EXAMINATION

Q (By Mr. Weinrich) Donna, have you ever worked for the Solboro Knitting Mills, Inc.?

A Yes, I did.

Q When did you begin work for Solboro?

A May 2nd, '74.

Q At what salary did you start?

A \$2.00 an hour.

Q Did you receive any raises when you worked for Solboro?

A Yes, I did.

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1 Q When, if you remember, the month?

2 A July, but I'm not sure.

3 Q How much of a raise did you receive?

4 A Ten cents.

5 Q What type of work were you hired to do, and what
6 type of work did you do when you started?

7 A She started me off as a floor girl.

8 Q Could you describe what you did as a floor girl when
9 you started?

10 A I trimmed and buttoned.

11 Q What was involved in trimming?

12 A Cutting threads off armpits and around the button
13 holes.

14 Q You say you buttoned.

15 A Yes.

16 Q Is that closing the sweater?

17 A Yes, it is.

18 Q And when did you stop work for Solboro?

19 A The morning of October 8th of '74.

20 Q And between the time you started in May of 1974 and
21 October the 8th of 1974 did you perform other types of work?

22 A Yes, I did.

23 Q Will you tell us the other types of work you performed?

24 A I steamed, I separated, I tacked the tags on the belts
25 on the complete work, and I also cut pockets.

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1 Q Now, in the period of September and October 1974,
2 up until the time of your layoff, did you devote more time
3 to any one of these jobs than the others?

4 A I'm sorry. I don't understand the question.

5 Q Well, during the period in September and October of
6 1974 did you have a regular job out of all of those that
7 you mentioned?

8 A No, I was all over.

9 Q Who would tell you what to do?

10 A Mrs. Murray.

11 Q Well, let's take the job of separating. What did
12 separating involve?

13 A I would take strings, put them on the machine to
14 pull the strings off to make them into smaller pieces.

15 Q Exactly what were you separating? What were you
16 pulling these strings off of?

17 A Of the garments, the sweaters.

18 Q Were they garments yet?

19 A No, they were just material being ready to go into
20 the sweaters.

21 Q Was the material already knitted at this point?

22 A Yes, it was.

23 Q Had anything else been done to it?

24 A No, sir.

25 Q Did anybody else do separating work during the time
that you worked there?

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1 A Well, Ana did it before me.

2 Q While you were employed there?

3 A No, sir.

4 Q I'm sorry. I didn't hear your answer.

5 A No, sir.

6 Q Did other people do the other work that you described,
7 the trimming and the buttoning?

8 A Yes.

9 Q Donna, did there come a time when you had occasion
10 to discuss unions and union organization with your fellow
11 employees?

12 A Yes, sir.

13 Q And when was this, if you remember?

14 A It was sometime in September, but I don't know the
15 date.

16 Q Where did the discussion or discussions take place?

17 A At the lunch table in the back of the room.

18 Q Who else was present during these discussions?

19 A Ana, but I don't know her last name, myself, I be-
20 lieve Carmela, Grace, I believe Joyce but I'm not sure,
21 and Julia.

22 Q And what was said by you and by the others, if you
23 recall, during these discussions?

24 A Well, Ana was doing the talking and we were listening
25 to her about what she knew about the union. And it was

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1 through her conversation that I heard about it.

2 Q And after September of 1974, after, let's say, the
3 first discussion, did these discussions continue at lunch
4 time?

5 A From time to time, yes.

6 Q Did there come a time, if you remember, when you were
7 contacted by a representative of Local 107 of the Inter-
8 national Ladies' Garment Workers Union?

9 A Yes. It was October 2nd and October 3rd.

10 Q Let's take October 2nd for a minute, okay?

11 A Yes.

12 Q Who were you contacted by?

13 A By Mr. Sciacca -- I'm not sure I'm saying his name
14 right.

15 Q How did Mr. Sciacca contact you?

16 A He came to my house.

17 Q Was anybody else present?

18 A No, sir.

19 Q And did you have a discussion with Mr. Sciacca at
20 that time?

21 A Yes.

22 Q If you recall, will you tell us what he said to you
23 and what you said to him?

24 A Well, he says he was the representative for the union,
25 and wanted to know if I wanted to join because he said Jo

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1 and the other girls wanted it, and either way it was going
2 to be a union, and, "I didn't want to see you left out in
3 the cold."

4 Q What did you say?

5 A I said, "I don't know; I would like to talk to the
6 girls," because I didn't know anything about it at all on
7 that subject.

8 And he said, "Well, would you like me to call Grace
9 and have Grace talk to you?"

10 And I said, "Yes, I would."

11 And Grace came to me the next day at the table. And
12 that was all that was said that day.

13 Q The next day Grace came to you at the table?

14 A And Grace asked me what I was so scared about, and
15 it would be good for me, and, "Would you want Gaby to come
16 back to the house?"

17 And I said yes.

18 Q Did Gaby come back to the house?

19 A Yes. He brought Grace and came back that night.

20 Q Which night would that be?

21 A October 3rd.

22 Q And what did Gaby or Mr. Sciacca say to you on Oc-
23 tober 3rd, and what did you say to him, if you remember?

24 A He asked me had I made up my mind about signing cards,
25 and I said yes. And he put the card in front of me and

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1 asked me if I understood what I was signing and what it was
2 for, and I said yes.

3 Q Did he tell you what it was for?

4 A Yes.

5 Q What did he say?

6 A He said it was to represent me.

7 Q Did you read the card?

8 A Yes, I did.

9 Q Did you fill the card out?

10 A Yes, I did.

11 Q I show you General Counsel's Exhibit 7 already in
12 evidence, and ask you if this is the card that you have
13 just testified to?

14 A Yes, it is.

15 Q Is that your signature on the card?

16 A Yes, it is.

17 Q Did you sign it?

18 A Yes, I did.

19 Q Did you date it?

20 A Yes, I did.

21 Q Did you fill out the other information?

22 A Yes, I did.

23 Q Donna, did there come a time when you had occasion
24 to discuss the union with Josephine O'Connell?

25 A Yes.

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1 Q Do you recall when?

2 A Once was in the afternoon, but I'm not sure of the
3 time.

4 Q Well, calling your attention to the period after you
5 had met with Mr. Sciacca in your home for the second time,
6 following that, do you recall if you had any discussions
7 with Josephine O'Connell?

8 A Yes. Josephine O'Connell called me October 5th and
9 then again on October 6th.

10 Q Called you on the telephone?

11 A Yes.

12 Q Will you tell us what she said to you and what you
13 said to her in the telephone conversation of October 5th,
14 if you remember?

15 A Yes. She said, "This is Jo from the job."

16 I said, "Yes, I remember you."

17 She said, "I have a letter that I talked to some of
18 the girls to sign to stop the union," would I sign.

19 I said, "Well, if that's what the girls are doing,
20 I might as well sign."

21 So, she said fine, asked me my address, and she came
22 over, and I signed that letter.

23 Q Did you read the letter before you signed it?

24 A No, sir, I did not.

25 Q Was there any reason for that?

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1 A Well, as I was trying to sign it, she took the paper
2 away from me. All I saw was signatures, that was it.

3 Q But you did sign it?

4 A But I did sign it, yes, sir.

5 Q Did you have any further discussion with Josephine
6 O'Connell on this day?

7 A That's it.

8 Q October 5th?

9 A That's it on October 5th.

10 Q Did you have any subsequent discussions with her?

11 A Then she called me on October 6th that afternoon and
12 said I was not to tell anybody about that, what happened
13 that day before, and that, being I signed the letter, I
14 had nothing to worry about, when the work got busy Mrs.
15 Murray would give me a raise.

16 And then she said I was not to tell Gaby anything
17 and I was not to answer the phone, as least as possible.

18 Q Do you recall if Josephine O'Connell said anything
19 else to you at that time?

20 A And that was it.

21 Q Do you recall she said anything about a layoff?

22 A She said that they -- there are going to be some laid
23 off but she did not say who.

24 Q When did she say that?

25 A That afternoon on October 6.

1 Q Where in the conversation did she say that, if you
2 remember?

3 A I don't recall.

4 Q Do you recall if she said it before or after she
5 mentioned the raise?

6 A I believe it was after.

7 Q Do you recall anything else that Josephine O'Connell
8 said that day?

9 A I believe that was all she said that day.

10 Q Following that telephone conversation did you have
11 occasion to speak with Josephine O'Connell again?

12 A No, those two days were all.

13 Q Following that do you recall if you spoke to Jose-
14 phine O'Connell at work?

15 A Yes.

16 Q When was that?

17 A I'm not sure because I talked to her different times.

18 Q That was the week of the 5th and 6th.

19 Do you recall if you spoke to her on October 7th?

20 A Yes.

21 Q Do you recall what that conversation was about?

22 A I'm not entirely sure.

23 Q Do you recall what time of day you spoke with her?

24 A I believe it was the afternoon.

25 Q Where did the conversation take place?

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1 A I believe it was at my table in the back.

2 Q Do you recall what, if anything, she said to you at
3 that time?

4 A She said something about don't let them talk me out
5 of anything.

6 Q Did she say who she was talking about?

7 A No, sir, she did not.

8 Q Do you recall if she said anything else?

9 A Yes, she said, "Don't let them talk to you about
10 anything. If you change your mind and go back with the
11 union, you will be canned with the rest of them."

12 Q Do you recall if she said anything else?

13 A Oh, dear. I don't recall.

14 Q Do you recall if she said anything about signing
15 anything?

16 A Yes. She asked me if I signed the card for the union,
17 and I said, "No, I haven't."

18 And she said, "Go ahead and sign it."

19 Q Was that on that day?

20 A Yes.

21 Q But you had already signed the card, hadn't you?

22 A Yes, I had.

23 Q But she asked you that anyway?

24 A That was before I signed.

25 Q So that didn't occur on this day?

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1 A No.

2 Q Do you recall if you spoke to Josephine O'Connell
3 again on the same day?

4 A I don't recall.

5 Q Do you recall discussing unemployment with Josephine
6 O'Connell?

7 A Yes.

8 Q Do you recall when that was?

9 A I don't remember the time.

10 Q Was it the same day?

11 A It was the same day.

12 Q Do you recall what, if anything, she said about un-
13 employment?

14 A If I can phrase it right.

15 Q Think about it a minute, Donna, and see if you can
16 recall.

17 A I believe it was something on the effect, if I signed
18 for the union, I wouldn't be able to collect unemployment.

19 Q Do you recall if she said anything about the paper
20 that she had given you to sign?

21 A No, sir.

22 Q Do you recall if she said, if you would not sign
23 this paper, something would happen?

24 A I believe so, but I do not recall.

25 Q Do you recall if she said, if you had not signed tha

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1 paper --

2 MR. SCHER: Objection.

3 JUDGE HERMAN: I think you've led this witness enough,
4 and the objection is sustained emphatically

5 MR. WEINRICH: It was my impression, Your Honor,
6 when a witness exhibits that her recollection over a par-
7 ticular incident may be exhausted, counsel may lead the
8 witness, and it may affect the weight but not the admis-
9 sibility.

10 JUDGE HERMAN: You've already led the witness on this
11 very question, only you left out the last piece of speci-
12 ficity, which you supplied in this last question. And
13 that's carrying it too far, because she was unable to re-
14 call in response to the last previous question, despite
15 the leading character.

16 Q (By Mr. Weinrich) Donna, do you recall if you had
17 any other conversation with Josephine O'Connell on that
18 day?

19 A No, I don't recall.

20 Q Do you recall if you had a conversation with Grace
21 Rugolo on this day?

22 A Which day are you referring to?

23 Q Monday, October the 7th, the same day you have been
24 testifying to.

25 A I don't recall.

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1 Q Did you report to work on October 8th, 1974, Donna?

2 A Yes, I did.

3 Q What time?

4 A 7:45.

5 Q Did you go inside at 7:45?

6 A No, sir, I did not.

7 Q What did you do?

8 A I waited outside with the rest of the group.

9 Q Who was in the rest of the group you just described?

10 A Grace, Margaret, Clara, Gaby, Mary White.

11 Q Were you given anything that morning to wear?

12 A Yes, I was given a green-and-white button.

13 Q What did you do with the button?

14 A Gaby pinned it on my blouse under the coat.

15 Q Did you see Mr. and Mrs. Harkavy that morning before
16 you went into the plant?

17 A Yes, I did.

18 Q When did you see them?

19 A As soon as they pulled in, when they arrived.

20 Q Where were you when they pulled in?

21 A Just a few feet.

22 Q A few feet from where?

23 A From where they pulled in?

24 Q Who were you with? Who were you standing with, if
25 anyone?

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1 A I was between Gaby and Grace, I believe.

2 Q What time did you go in to work that morning, if you
3 went in to work?

4 A Yes, I went to work. I believe it was about five
5 minutes to eight. I'm not terribly sure; I didn't look
6 at the clock.

7 Q Do you recall if you had a conversation with any
8 representative of management when you reported to work
9 that morning?

10 A Yes. Mrs. Murray came in and said, "You are inside
11 now. You can take off your coat."

12 Q What did you do?

13 A I took it off.

14 Q Mrs. Murray ever tell you to take your coat off before?

15 A No, sir.

16 Q You testified that Mr. Sciacca had pinned a button
17 on you.

18 Did you continue to wear that button during the day?

19 A Yes, I did.

20 Q Until what time?

21 A Until I left, eleven -- well, I didn't leave, I guess,
22 until twelve.

23 Q What type of work, if any, were you assigned to do
24 that morning?

25 A I was told to finish up the bone garments because

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1 she had to get it out that day.

2 Q Who had told you that?

3 A Mrs. Murray.

4 Q What type of work did you have to do, or you were
5 told to do, on the bone garments that morning?

6 A To finish separating what was left

7 Q And do you recall if you were given any other instruc-
8 tions on what to do at that time by Mrs. Harkavy?

9 A When I was through, I believe, to do the sample bundles.

10 Q Until what time -- Well, did you begin to separate
11 bone garments?

12 A Yes, I did.

13 Q Until what time did you continue on that job?

14 A I finished the bone -- I believe I finished at 11:45.

15 Q What did you do at that time?

16 A That time I ran out of work. I went to Joyce and
17 asked her how long she had been with her bundle so I could
18 trim the bundle.

19 Q Had you already completed the sample garments?

20 A No, sir.

21 Q What happened with the sample garments?

22 A I took about three or four pieces off, and Mrs.
23 Murray told me to stop, not to do the sample bundles.

24 Q Did she give any reason?

25 A No, sir.

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1 Q You mentioned something about going over to Joyce.

2 When did you go over to Joyce?

3 A As soon as I finished the bone bundle, I went to
4 Joyce.

5 Q Was that before or after Mrs. Karkavy spoke to you
6 about the sample bundle?

7 A I believe it was after.

8 Q What did you go over to Joyce for?

9 A I asked her if I could have her bundle when she was
10 through, and she said yes.

11 Q What kind of bundle was she working on?

12 A She was putting the buttons and button holes on.

13 Q What were you going to do with that bundle?

14 A Button and trim.

15 Q Did you regularly in the past get work from Joyce?

16 A Yes.

17 Q Did Joyce give you the bundle?

18 A No, sir, she wasn't finished.

19 Q Do you recall if you had a conversation with Mrs.
20 Harkavy at about that time?

21 A Yes. She yelled at me and said, "What's your trouble?"

22 And I said, "Nothing. I ran out of work, and I was
23 waiting for Joyce's bundle."

24 Q Did Mrs. Harkavy say anything else that you recall?

25 A Then, when I ran -- yes, I went to her and said,

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1 "Well, I ran out of work and I was waiting for Joyce's
2 bundle."

3 And she said, "Well, I have no more work. You might
4 as well go home."

5 Q Had you ever been told to go home early before?

6 A No, sir.

7 Q What would normally happen in the shop when you ran
8 out of separating work to do?

9 A Then I would just go to Millie and help her button
10 and trim -- or Carmela, as you know her.

11 Q Was that the same type of work that you were going
12 over to Joyce for?

13 A Yes, sir.

14 Q Did you leave the shop after speaking to Mrs. Harkavy?

15 A No, sir, I did not.

16 Q What time did you leave?

17 A Around twelve or a little after twelve.

18 Q How long after you spoke with Mrs. Harkavy, when
19 she told you there was no more work, did you leave? A few
20 minutes? A half hour?

21 A Around there, yes.

22 Q Well, which one?

23 A I'd say about around a half hour, I guess, yes.

24 Q Following the day you were sent home, October the 8th,
25 did you have occasion to speak with Mrs. Harkavy after that?

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1 A Yes, I called a few times to see if there was work.
2 She said, "No. Keep in touch."

3 Q How many times did you call, if you remember?

4 A Three or four times.

5 Q Did you ever have any other conversation with Mrs.
6 Harkavy during these telephone conversations other than her
7 telling you that there was no more work?

8 A Yes. When I called once -- I'm not sure which day
9 I called -- she says she thinks she might have work and
10 I was to call back at 4:00 o'clock, which I did.

11 Q What happened when you called back at 4:00 o'clock?

12 A I called back at 4:00, and I said to Mr. Murray,
13 "I'm calling back for Mrs. Murray."

14 And he said, "Wait a minute. I will get her."

15 And she checked the work and said, "Well, I don't
16 think I really have enough work to bother with for you to
17 come back for one day," and she said to keep in touch.

18 And I said okay.

19 Q How many times in all do you remember calling Mrs.
20 Harkavy?

21 A It was about four, once a week, four times.

22 Q Calling your attention to your earlier calls to Mrs.
23 Harkavy, your first and your second call to Mrs. Harkavy,
24 why don't we take your first call, and I would like you
25 to tell me as you recall it what you said to Mrs. Harkavy

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1 and what she said to you.

2 A I just asked her if there was work, and she said,
3 "No, not yet, but keep in touch," and, "I might have some
4 later on."

5 Q Do you recall anything else being said during that
6 first conversation?

7 A No, I don't recall.

8 Q Let's take the second conversation now.
9 Will you tell us what Mrs. Harkavy said to you and
10 what you said to her in that conversation?

11 A When I called her, she asked me why I changed my
12 mind, and I said, "Well, the girls were getting me so con-
13 fused I didn't know what to do."

14 She said, "Well --" I don't know how to phrase it
15 right -- she said something about, if I don't sign anything,
16 you won't get anything; but I don't know what she meant
17 by it.

18 Q Do you recall if she said anything else in that con-
19 versation?

20 A Well, she said, "You are alone. Nobody else can --"
21 How do I phrase it? -- "Nobody else can --" I don't know
22 how to phrase it right.

23 Q Just try and remember what she said the best you can
24 and tell us what she said, if you remember it.

25 A Well, something like, "Nobody is going to help you.

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1 You are alone."

2 That's about as close as I can remember it.

3 Q Do you remember anything else she may have said?

4 A I don't recall.

5 Q Do you recall if she said anything about a bystander?

6 MR. SCHER: Objection.

7 A Oh, yes.

8 JUDGE HERMAN: Overruled.

9 A She said, yes, that, "The girls have no right to push
10 you around; you are an independent bystander."

11 Q Did she say to you -- you testified at the beginning
12 that she asked you about changing your mind.

13 Did she say to you specifically what you changed
14 your mind about?

15 A No. She just asked me, "Why you changed your mind,"
16 and that was all.

17 Q Now, Donna, going back to your last day of work for
18 a minute, October the 8th, besides from the bone-colored
19 goods that you testified to that you were told to separate
20 and the sample goods that you testified you were told to
21 separate and you didn't separate, did you observe any
22 other goods to be separated?

23 A Yes. Richard brought me some work, about six or
24 seven bundles of work.

25 Q When did he bring you this work?

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1 A I really don't know the time.

2 Q Were you given any instructions as to these bundles?

3 A No, he just left it and didn't say a word.

4 Q Can you describe these bundles in any way?

5 What colors were they, if you remember?

6 A I don't remember the colors.

7 Q What happened to these bundles that were brought to
8 you? Did you eventually work on them?

9 A No. They were on the rack five or ten minutes when
10 Richard came back and brought bundles and brought them
11 back to where he got them and covered them up.

12 Q What did he cover them up with?

13 A Just some old garments that were around.

14 Q Was it customary to cover up racks filled with bund

15 A Only at the end of the day.

16 Q Did you speak with anyone as to why these garments,
17 or these bundles were taken away?

18 A Well, I didn't speak to anyone, but Josephine had
19 told me they changed their mind, that they were not going
20 to do that work.

21 Q Did she say who changed their minds?

22 A No.

23 Q Could you give us any -- well, tell us, based upon
24 your experience in separating, how long it would have taken
25 you to separate those bundles that appeared on that rack

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1 A With or without interruptions?

2 Q You are working straight.

3 A If I was working straight on it just doing that, I
4 could have gotten it done in a day.

5 Q When you work are you frequently interrupted with
6 other chores?

7 A Yes, I was.

8 Q Such as?

9 A Well, Mrs. Murray stopped me a few times and Carmela
10 stopped me a couple of times.

11 Q So you couldn't give us any estimate, if you had
12 been interrupted, how long it would have taken you to fin-
13 ish this work?

14 A No, I couldn't.

15 Q Did you ever return to the plant after October the
16 8th?

17 A Yes, sir. I returned next day for my paycheck.

18 Q Did you observe if any work was being done on that
19 day?

20 A No, sir.

21 Q Did you ever return again?

22 A Yes, sir.

23 Q When, if you remember?

24 A What day was that? I went back on that Wednesday.

25 Q For what reason did you return the second time?

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- 1 A My paycheck.
- 2 Q What day were you usually paid on?
- 3 A Wednesday.
- 4 Q This was a different time, the next Wednesday?
- 5 A Yes.
- 6 Q Do you recall if it was a week or two weeks?
- 7 A It was the following Wednesday.
- 8 Q Did you observe any work in the shop being done at
- 9 that time, any separating work?
- 10 A Yes, the workers said they weren't doing what is
- 11 done, they changed their mind that they weren't going to
- 12 do what is done.
- 13 Q This was the work on the rack?
- 14 A Yes, it was.
- 15 Q When you say it was done, what do you mean?
- 16 A I saw it cut up where --
- 17 MR. WEINRICH: It was all cut up and stacked.
- 18 Q Does the separating process come before the cutting
- 19 process?
- 20 A Certainly does.
- 21 Q How did you recognize the goods?
- 22 A Because I recognized those colors.
- 23 Q But you don't now remember what colors they were?
- 24 A Yes. They were blue, green and lavender.
- 25 Q Did you see any other goods in the shop to be worked

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1 on at that point?

2 A No.

3 MR. WEINRICH: I have no further questions of this
4 witness.

5 JUDGE HERMAN: Mr. Kushner?

6 MR. KUSHNER: No questions.

7 JUDGE HERMAN: We'll be in recess for ten minutes
8 (Recess taken.)

9 JUDGE HERMAN: On the record.

10 CROSS-EXAMINATION

11 Q (By Mr. Scher) Mrs. Moravec --

12 A It's Miss.

13 Q -- in the early part of your testimony you were asked
14 by the General Counsel to tell him what you did primarily,
15 and you said that you did separating.

16 A Yes.

17 Q Then he asked you who else did separating, and you
18 said no one else.

19 A Yes. True.

20 Q Isn't it true that Mrs. Cacoperdo also does separat-
21 ing?

22 A No, sir.

23 Q Isn't it true that Julia Delfino also does separating?

24 A No, sir.

25 Q Now, I'm not asking you whether they did separating

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1 necessarily on the same day that you did separating.

2 At other times didn't Mrs. Cacoperdo and Julia Delfino
3 also do separating aside from you?

4 A Well, when I wasn't there?

5 Q When you weren't there.

6 A All I know is Carmela did separating, but I don't
7 know about Julia separating.

8 Q Didn't the question of whether anybody else was do-
9 ing separating aside from you also depend on how much work
10 there was?

11 A I don't understand the question.

12 Q If there was a lot of separating to do, then some-
13 body besides you would also do separating?

14 A No. There couldn't. There was only one separating
15 machine.

16 Q So then you are saying that, when you were working
17 on separating, you were the only one in the shop who could
18 have been working on separating?

19 A That's right.

20 Q You said that you did trimming and button work.

21 A Yes, I did.

22 Q That you did steaming and tagging the completed work
23 and cutting the pockets.

24 A Yes.

25 Q You testified that at various times you were working

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1 all over the shop.

2 A Yes.

3 Q When you weren't separating, was somebody else sep-
4 arating?

5 A No, sir.

6 Q What was happening with the work that had to be sep-
7 arated?

8 A Mrs. Murray said, "Let it go for a while and do some-
9 thing over here because I need this work to get out. I
10 have to get it out."

11 Q Were there times when Carmela was doing separating
12 while you were doing some other job in the shop?

13 A Well, she only asked me once if she could try it,
14 and that was all.

15 Q It was all that you can recollect?

16 A Yes.

17 Q Now, you testified that on October 5th you got a
18 call from Jo O'Connell.

19 A Yes.

20 Q And that she told you that she had a letter, and
21 that she wanted you to sign it.

22 A Yes, that's true.

23 Q Then you also said that -- you said to her -- it, if
24 others have signed it, you would too.

25 A Yes.

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1 Q Did you ask her what kind of letter it was?

2 A No. She told me that it was for to stop the union,
3 that they didn't want the union.

4 Q That it was for stopping the union -- didn't want
5 the union?

6 A Yes.

7 Q When she came to you the next day --

8 A She came on the job or at my house, which one are
9 you referring to?

10 Q The same day she came to your house.

11 A Yes.

12 Q When she came over to your house, you knew that she
13 was giving you the letter that she had just talked about
14 on the phone with you, right?

15 A Yes.

16 Q You knew that was a letter to stop the union, to
17 say that you didn't want the union?

18 A Yes.

19 Q Now, when she gave you the letter to sign, did she
20 put it down:--

21 A Yes.

22 Q -- somewhere?

23 A Yes.

24 Q You know what that letter looks like, don't you?

25 A Yes, I do.

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1 Q Now, is this the letter which is Respondent's Ex-
2 hibit 1 which is in evidence in this case? Is this the
3 letter that you signed?

4 A Yes, it is.

5 Q Is that your signature?

6 A Yes, it is.

7 Q And this letter, which is one typewritten paragraph
8 double-spaced, consisting of four lines and seven words in
9 the first sentence, seven words in the second sentence,
10 eight words in the third sentence, and five words in the
11 fourth sentence, that's the letter that you signed; is
12 that correct?

13 A Yes, it is.

14 Q You signed just below this paragraph, right, right
15 where your signature appears?

16 A Yes.

17 Q Miss Moravec, I would like to ask you, if you would,
18 would you write your name exactly as it appears on this
19 letter on this sheet of paper?

20 A I will try, because it usually comes out different
21 ways.

22 MR. WEINRICH: I object, Your Honor.

23 The witness testified it is her signature.

24 JUDGE HERMAN: I would like to know what you have
25 in mind.

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1 THE WITNESS: I would too.

2 MR. SCHER: Your Honor, the witness testified that
3 Josephine O'Connell put the paper down and that she signed
4 it without reading it because Mrs. O'Connell took it away
5 from her before she could read it.

6 I think that it will be an inescapable inference
7 from what we see now that the witness' story is not to be
8 believed.

9 THE WITNESS: I was looking at it, but I was not
10 reading it.

11 JUDGE HERMAN: Miss Moravec, don't you answer coun-
12 sel. He is addressing himself to me now.

13 Q (By Mr. Scher) Did you say you were looking?

14 A I was looking at it but I was not reading it. I
15 could write and look at something without reading it.

16 Q Were your eyes open when you wrote your signature?

17 A Yes.

18 Q Your testimony is that you were looking at this
19 paragraph.

20 A Starting to read it, and she went like this (indi-
21 cating). She was in a hurry, and I can't read like this,
22 I'm sorry.

23 JUDGE HERMAN: In saying "going like this," she
24 pulled the paper.

25 THE WITNESS: I was writing. She must have thought

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1 I was reading as I was writing. And she said, "I have to
2 go see Ana," and she was out the door.

3 Q At the time you were writing your signature, was
4 the paper standing still so that you could write your sig-
5 nature?

6 A Just about.

7 Q Now, you have no middle initial in your name -- at
8 least you don't have on this paper, but you do have your
9 full first name and your full last name.

10 A Yes.

11 Q I would like to ask you --

12 JUDGE HERMAN: Mr. Scher, we don't have to go through
13 any dramatics here. After all, I'm not a jury.

14 And it seems to me that the purpose that you are
15 trying to serve you already served with the testimony.
16 You have gotten an admission from the witness that this
17 was the paper that she knew she was expecting to be asked
18 to sign and what its purpose was.

19 MR. SCHER: I think, on the basis of other examina-
20 tion that will be coming up, based upon her direct exami-
21 nation, that we have a serious issue of credibility here,
22 and I thought that it would be helpful in getting at the
23 truth of what happened in this instance.

24 JUDGE HERMAN: You don't make your point any clearer
25 that way.

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1 Q (By Mr. Scher) Mrs. Moravec, you started to work
2 the 4th day in March of 1974?

3 A May 2nd of '74.

4 Q I'm sorry, May 2nd of 1974.

5 A Yes.

6 Q Now, aside from your discussions with Mrs. Harkavy
7 at the time that you were hired, did you during the five
8 or six months of work, before October arrived, learn from
9 the other employees about when and how the company gives
10 out raises to employees?

11 A No, sir.

12 Q Did you ever have a discussion with any other em-
13 ployee about when you could expect to get a raise?

14 A Yes, sir.

15 Q Isn't it a fact, Miss Moravec, that the practice of
16 the company is that when the season resumes each year em-
17 ployees get raises?

18 A I don't know.

19 Q Well, if you don't know because you were not employed
20 into a new season, having started in May, did you learn
21 from other employees that that's when they got their raises
22 over the years?

23 A I don't recall, no.

24 Q You mean there is a possibility that one or more of
25 the older employees might have told you that they got

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1 their raises when the new season started each year?

2 A I don't recall so.

3 Q Did you ask Miss O'Connell any further questions
4 when she said to you, as you reported she said, that when
5 work gets busy again there will be raises?

6 A No.

7 Q Did you ask her what she meant by that?

8 A No, sir.

9 Q Did you understand that she was talking about the
10 new season when she said when work gets busy again?

11 A No, sir.

12 Q Now, you testified that before you signed your card
13 for Mr. Sciacchi you had a conversation with Jo O'Connell.

14 A With Jo O'Connell?

15 Q You had a conversation with her before you signed
16 your card.

17 A I believe I talked to Grace.

18 Q Well, on direct examination you said that Jo O'Connell
19 asked you if you had signed a card.

20 A Yes, that's true. I'm sorry, I misunderstood you.

21 Q Right.

22 Now, after she asked you if you had signed a card,
23 did you tell her that you had not?

24 A Yes.

25 Q And did she then say to you, "Go ahead and sign one"?

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1 A Yes, she did.

2 Q And when she told you to go ahead and sign the card,
3 did she threaten you at that time that you had to sign a
4 card?

5 A No, sir.

6 Q Did she direct you to sign the card?

7 A No, sir.

8 Q Did you understand that to be an order that you had
9 to sign the card?

10 A Yes, I understood it. But I did it of my own free
11 will; I wasn't forced to.

12 Q Notwithstanding what she said to you, you did it of
13 your own free will?

14 A Yes, sir.

15 Q Now, you testified that in a conversation also with
16 Mrs. O'Connell she said something to you about the fact
17 that if you signed for the union you wouldn't be able to
18 collect unemployment.

19 A Yes.

20 Q Now, in that conversation didn't the question come
21 up about how you might lose benefits or be ineligible for
22 getting benefits if you are on strike or if you are in-
23 volved in not working because a union has you on strike?

24 A I'm not sure.

25 Q Well, isn't it a fact that the whole way that state-

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1 ment came to be made in that conversation and that conver-
2 sation came about was because you were in a discussion
3 with Josephine about the fact that the State doesn't give
4 you unemployment benefits if you are striking?

5 A Yes, I believe her mentioning that, yes.

6 Q In connection with the time that you came into the
7 plant wearing the union button, did anyone tell you that
8 -- Mr. Harkavy or Mrs. Harkavy tell you to take the button
9 off?

10 A No, sir.

11 Q Did they tell any other employee to take the button
12 off?

13 A I don't recall so.

14 Q On the day that you were laid off you said that you
15 came in to work at about 7:45 a.m.

16 A Not on the day --

17 Q On October 8th.

18 A I'm confused. I don't know what you mean.

19 Repeat that, please.

20 Q On October 8, which was a Tuesday, the day that you
21 testified that Mrs. Murray said that you should finish up
22 the bone work, she wanted to get it out, that day you were
23 working, were you not, on sample bundles that morning?

24 A Not that time I wasn't, no.

25 Q As soon as you finished the bone work you moved to

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1 sample bundles?

2 A Yes.

3 Q Now, how much work would you say that the finishing
4 up of the sample bundles involved? How much time?

5 A Time? It would only take me five, ten minutes.

6 Q Now, you testified that on the second telephone con-
7 versation that you had with Mrs. Harkavy from amongst the
8 approximately three or four calls that you had with her
9 after you were laid off when you were interested in coming
10 back to work, that one of the things that Mrs. Harkavy
11 said to you was, "You are an innocent bystander"; is that
12 correct?

13 A Yes.

14 Q Do you remember how that conversation came up, and
15 what else, if anything, Mrs. Harkavy said to you right at
16 that time?

17 A I believe it came up right after she asked me why
18 I changed my mind, or somewhere in that sentence there.

19 Q Well, hadn't you just gotten finished telling her
20 that the girls were telling you what to do and that you
21 were being pushed around?

22 A I didn't use the word "pushed around," no. I said
23 they were getting confused.

24 Q What language did you use to describe the kind of
25 pressure?

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1 A I just said they were getting me so confused that I
2 didn't know what to do about that subject.

3 Q You remember her using the word -- the phrase "inno-
4 cent bystander," don't you?

5 A Yes.

6 Q Do you remember the full statement that she made to
7 you at the time that she said to you that you were an in-
8 nocent bystander, what she went on to say right after that
9 to you?

10 A Something to the effect that, "You are alone; no-
11 body can help you but yourself." That's about all I can
12 remember.

13 Q Do you recall her making the statement, "The girls
14 have no right to push you around"?

15 A Yes.

16 Q Tell us about that. What was that in connection with?

17 A That's when she came out and said, "Well, they have
18 no right to push you around. You are an innocent by-
19 stander." But she didn't explain what she meant by that.
20 That's all she said.

21 Q Donna, isn't it a fact that on the morning of Oc-
22 tober 4 when the union came in to see Mr. and Mrs. Harkavy,
23 the day that the union came in on October 4, that shortly
24 after the union left Mr. and Mrs. Harkavy's office that
25 you were standing outside the building near the garage

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1 on it for a while, the work on it is stopped?

2 A I don't recall so.

3 Q Well, in situations where you are working on one
4 job, either separating or buttoning or steaming, you are
5 taken off that work before that work is finished and put
6 somewhere else; is this right?

7 A The only thing I ever steamed was borders. That's
8 all I ever steamed.

9 Q Regardless of what you're steaming, or what your
10 working on, aren't there times when while you are working
11 on that work and there is more that you can continue to
12 do, that you are taken off this work and asked to do some-
13 thing else?

14 A Oh, yes.

15 Q And in those cases do you know the reason why you
16 are stopping on one thing and starting on something else?

17 A No.

18 Q You testified that when you came back on Wednesday
19 to get your paycheck after you had been laid off you saw
20 some work that had been cut and stacked in Josephine's
21 area that you recognized as being the colors of blue and
22 green and lavender.

23 A Yes.

24 Q Do you know for a fact that it was the same work
25 that you had worked on the previous day, or could it have

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1 have other work with that color?

2 A No. Those were the colors that were going to be
3 done but weren't because I didn't work on those colors
4 at all.

5 Q You mean they were the same colors as colored mater-
6 ial that you had worked on previously?

7 A No. I never worked on those colors.

8 Q You never worked on those colors?

9 A No.

10 Q Didn't you say that you thought it was the same ma-
11 terial that you had stopped working on because you recog-
12 nized the colors?

13 A I'm confused. I don't understand what you mean.

14 MR. WEINRICH: I object.

15 JUDGE HERMAN: I believe she said it was the same
16 material she had seen, not that she had worked on it.

17 Q Well, you don't know for a fact that the colored
18 material that you saw when you came back for your check
19 was the exact same work that you had seen but not worked
20 on when you left, do you?

21 Did you go over and check the material?

22 A No, I didn't.

23 Q It might have been work of the same color but not
24 necessarily the same work; isn't that a fact?

25 A It was the same work. It was the only work left

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1 A Which day are you referring to?

2 Q On the date of October 4, the Friday when she said,
3 "What is the matter; are they bothering you; is anybody
4 bothering you?"

5 A Yes.

6 Q Do you recall having a conversation the day before
7 or that same day with Josephine O'Connell about being
8 bothered by other people?

9 A I don't quite understand what you mean.

10 Q Well, isn't it a fact that you had a conversation
11 with Josephine O'Connell in which you told her that you
12 were being badgered by the other people, badgered, pres-
13 sured, pushed, whatever word you want to use?

14 A I don't recall.

15 MR. SCHER: I have no further questions.

16 JUDGE HERMAN: Redirect?

17 REDIRECT EXAMINATION

18 Q (By Mr. Weinrich) On cross-examination you were
19 asked a question concerning a conversation with Josephine
20 O'Connell dealing with unemployment benefits, Donna, and
21 you testified that -- and I'm not quite clear on it --
22 that somebody during that conversation said that the St
23 doesn't give you unemployment benefits when you are on
24 strike.

25 A Yes.

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1 Q Who told you that?

2 A Josephine O'Connell.

3 Q Do you know if that's true or not?

4 A No, sir, because I never had any -- I never had any
5 -- I never took the unemployment, sorry, before, until
6 this year.

7 Q But it was Josephine O'Connell who told you that?

8 A Yes.

9 Q When was that?

10 A Oh, golly.

11 Q If you remember.

12 A I don't recall.

13 Q You testified that you had a conversation with Mrs.
14 Harkavy on the 4th of October concerning in some sense
15 somebody bothering you, and you testified that you remem-
16 ber complaining that Josephine O'Connell bothered you at
17 one time by giving you instructions and telling you what
18 to do; is that correct?

19 A No. Mrs. Murray asked me if she bothered me, and
20 I said no.

21 Q Did Mrs. O'Connell tell you what to do?

22 A Yes.

23 "Mrs. Murray wants you to hurry up. She wants you
24 to go faster. She has to get work out."

25 And another time she'd say -- When she came to me,

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1 it was always, "Mrs. Murray wants you to do this. Go faster

2 It was always "Mrs. Murray."

3 Q Was it during the entire course of your employment
4 that Mrs. O'Connell relayed instructions to you from Mrs.
5 Murray?

6 A No.

7 Q Well, when did that begin?

8 A I guess around -- I don't know the exact date.

9 Q Was it during the month of July?

10 A Possibly.

11 Q You can't tell with any degree of accuracy, is that
12 what you are trying to tell me?

13 A Yes.

14 Q On direct examination I had elicited certain testi-
15 mony from you, or you had told me certain things in re-
16 sponse to my questions dealing with a rack of goods that
17 were brought to you by Richard and then returned.

18 A Yes.

19 Q Later in your testimony on direct examination you
20 said that you had seen certain goods when you returned to
21 the plant on Wednesday to pick up your paycheck, and you
22 were questioned about this on cross-examination also.

23 A Yes.

24 Q When Richard brought that rack to you initially,
25 did you ever start to do any work on it?

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1 A Not on those particular bundles he took away, no.

2 Q You didn't start any work on it?

3 A No.

4 Q Now, while you were employed with the company, had
5 you ever separated goods of the color that was on that
6 rack and the color that you saw on October 16th?

7 A I did do some green bundles, yes.

8 Q How about lavender and blue?

9 A No lavender. I don't think I did any lavender.

10 Q Was lavender one of the colors you saw on October 16th?

11 A Yes.

12 MR. WEINRICH: No further questions.

13 JUDGE HERMAN: Mr. Kushner, do you have any questions?

14 MR. KUSHNER: I have no questions.

15 JUDGE HERMAN: Any recross?

16 MR. SCHER: No further questions.

17 JUDGE HERMAN: You are excused.

18 (Witness excused.)

19 MR. WEINRICH: Carmen Gonzalez.

20 Whereupon,

21 CARMEN GONZALEZ

22 was called as a witness by and on behalf of the General
23 Counsel and, having been first duly sworn, testified as
24 follows:

25 JUDGE HERMAN: Please be seated and state your name

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1 and address.

2 THE WITNESS: My name is Carmen Gonzalez, 185 Heather-
3 wood Hills, Calverton, New York.

4 JUDGE HERMAN: Keep your voice up, please.

5 DIRECT EXAMINATION

6 Q (By Mr. Weinrich) Mrs. Gonzalez, when did you begin
7 working for Solboro Knitting Mills, Inc.?

8 A In the first week of June 1974.

9 Q At that time what type of work were you hired to do?

10 A Single-needle work.

11 Q Single-needle work?

12 A Yes.

13 JUDGE HERMAN: Please talk loud enough so we can all
14 hear you.

15 Q During the course of your employment with Solboro,
16 Mrs. Gonzalez, did there come a time when you were con-
17 tacted by an agent of the International Ladies' Garment
18 Workers Union?

19 A Yes.

20 Q Who were you contacted by?

21 A Mr. Sciacchi.

22 Q Do you recall when you were contacted by Mr. Sciacchi?

23 A August 6th, I believe, the first week of August.

24 Q Of 1974?

25 A '74.

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1 Q How did Mr. Sciacci contact you?

2 A He just came to my house one evening.

3 Q Did Mr. Sciacci give you an authorization card at
4 that time?

5 A Yes.

6 Q I read the card?

7 A Yes.

8 Q Did you sign it?

9 A Yes.

10 Q I show you General Counsel's Exhibit No. 3 in evi-
11 dence, and ask you if that's the card he gave to you.

12 A Yes.

13 Q Is that your signature on the card?

14 A Right.

15 Q Did you fill it out?

16 A Yes.

17 Q Did you date it?

18 A Yes.

19 Q Did you read it before you signed it?

20 A Yes.

21 Q Now, following your signing of that card, Mrs. Gon-
22 zalez, did there come a time when a representative of
23 management spoke to you about the union or spoke with you
24 and other employees about the union?

25 A Would you repeat that, please?

CSA Reporting

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1 Q Sure.

2 Following your signing of the card we just showed
3 you, Mrs. Gonzalez, did there come a time when any repre-
4 sentative of management spoke with you and the other em-
5 ployees about the union?

6 A Yes; the day the union came into the shop at 12:00
7 o'clock.

8 Q Do you remember that date?

9 A No, I'm sorry. It was a Friday.

10 Q Had you seen Mr. Sciacchi that morning?

11 A I saw him in the place Friday morning.

12 Q Who spoke with you that day?

13 A Mr. Murray came at lunch time.

14 Q Mr. who?

15 A I'm sorry.

16 Q You can call him Mr. Murray.

17 A I call him Mr. Murray.

18 Q Go right ahead.

19 Where did the conversation take place, Mrs. Gonzalez?

20 A On our lunch time at the table.

21 Q Were all the employees assembled at the table at
22 that time?

23 A Most of them, yes.

24 Q What did Mr. Barkavy say, or Mr. Murray; what did
25 Mr. Murray say?

CSA Reporting

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1 A Came out and he told us that he understood we girls
2 wanted to join the union, but things were very slow, and
3 he had just spoken to his accountant and he was 15,000,
4 or something like that, and he just couldn't afford it
5 right now, he said.

6 "Think it over," he said because things were bad.
7 Otherwise he will have to close.

8 Q Were you present on a day that Grace Rugolo returned
9 to the shop after being laid off, Mrs. Gonzalez?

10 A Yes.

11 Q Do you recall if you had a conversation with Mrs.
12 Harkavy on that day?

13 A Me?

14 Q Whether you had a conversation with Mrs. Murray on
15 that day.

16 A No.

17 Q Do you recall Mrs. Murray asking you to sign some-
18 thing on that day?

19 A That was after Grace Rugolo came to get her layoff
20 paper.

21 Q And so do you now recall having a conversation with
22 Mrs. Harkavy on that day?

23 A Right.

24 Q Where did the conversation take place?

25 A In her office.

Q Was anyone else present?

CSA Reporting

623

1 A Mr. Murray.

2 Q Mr. Murray?

3 A Yes.

4 Q Now, I want you to, if you can, tell us, and if you
5 can remember, will you tell us what Mrs. Harkavy said to
6 you at that time and what, if anything, you said to her.

7 A She just came over and asked me to sign a letter
8 that he had copied down everything that happened between
9 him and Mrs. Rugolo.

10 And I told him -- the first time he asked me I told
11 him, no, I didn't want to sign the paper; I wanted to
12 stay out of it.

13 Then they called me into the office, and she explained
14 to me and asked me to sign the paper.

15 Q Do you recall if Mrs. Harkavy said anything else to
16 you?

17 A Well, she started talking about what was being with
18 the union and the girls. And then she asked me if I was
19 a union member.

20 I said, "No. I signed the card just like the other
21 girls. I'm not a union member now."

22 Q Do you recall if she asked you anything else?

23 A No.

24 Q You don't recall?

25 Do you recall if she asked you anything about Grace?

CSA Reporting

1 A Well, she asked me what was she trying to accomplish.
2 I told her I didn't know. What was she trying to do.

3 Q Now, until when did you continue working, Mrs. Gonzalez?

4 A Until the first week of November.

5 Q Well, can you remember the time when Grace Rugolo
6 and Mary White and Donna Moravec were laid off? Can you
7 recall that time, that period of time?

8 A Well, that I was not there when they got laid off,
9 I was out.

10 Q You were out?

11 A Yes.

12 Q Were you there when Grace Rugolo was laid off?

13 A No, I was out.

14 Q How long had you been out at that point?

15 A I'd been out for two days.

16 Q When did you return?

17 A I believe it was a Wednesday. I'm not sure.

18 Q When you returned, they were gone?

19 A Right.

20 Q What type of work were you doing before you were
21 out for those two days?

22 A I was doing blind-stitch and merrow work.

23 Q Merrow work?

24 A Yes.

25 Q Who else was operating a merrow machine at that time?

CSA Reporting

1 A While I was there?

2 Q While you were there and before the layoff.

3 A Grace.

4 Q What type of work did you do on the merrow machine?

5 A I set sleeves.

6 Q What type of work did Grace do?

7 A She was joining the shoulders and closing the sleeves
8 for me.

9 Q And after you returned from your two-day absence and
10 the layoff had taken place, what type of work did you do
11 then?

12 A Well, then I had to do everything. I had to close
13 the sleeves and set.

14 Q So you were doing the job that Grace was doing before

15 A Yes. There was nobody else to do it.

16 Q And did you observe who was doing the job that Mary
17 White had done before she was laid off when you returned?

18 A Mrs. Murray.

19 Q Mrs. Murray?

20 A Yes.

21 Q Who was doing the job of Margaret Passamante?

22 Did you know Margaret Passamante?

23 A Yes.

24 She started the single-needle after I went to the
25 merrow machine.

CSA Reporting

1 Q Who was doing her work?

2 A Mrs. Murray.

3 Q Mrs. Murray?

4 A Yes.

5 Q Aside from the merrowing, after the layoff, what
6 other type of work did you do?

7 A Before the layoff?

8 Q After the layoff.

9 A Just merrow.

10 Q Just merrowing?

11 A Right.

12 Q What type of work was Ana Nemec doing at that time
13 after the layoff?

14 A Then she did the blind-stitch and the labels. And
15 then she started doing the mauser.

16 Q Did you have enough work to keep you busy all day
17 after the layoff?

18 A Yes.

19 Q Were you able to produce as much as before?

20 A No.

21 Q I'm sorry. Let me withdraw that. You can't answer
22 that.

23 Were you able to produce as much after the layoff
24 as you produced before the layoff?

25 A No.

CSA Reporting

1 Q Why was that?

2 A Because before the layoff all I did was set the sleeve
3 and merrow around. And then, after the layoff, then I had
4 to do everything: close the sleeves, the shoulders, and
5 put them on, not give out as much.

6 Q For how long after the layoff did you continue to
7 work doing both your job and Grace's job?

8 A Oh, until the first week of November.

9 Q That was when you were laid off?

10 A Yes.

11 Q If you can remember, was anybody working when you
12 were laid off?

13 A Ana, Ana Nemec.

14 Q And Mrs. --

15 A Jo O'Connell.

16 Q Were there any other operators working?

17 A No.

18 Q Were there any other employees working at that time
19 at all?

20 A Just Ana, Mrs. O'Connell and myself.

21 Q Who was doing the packing?

22 A There was no packing being done as far as I know.

23 Q After the layoff, did you see anybody doing separat
24 ing work?

25 A After the layoff?

CSA Reporting

1 Q After the layoff.

2 JUDGE HERMAN: After the layoff started.

3 Q After the layoff started, after Donna Moravec was
4 no longer there.

5 A Jo did some of it and that's all I can remember.

6 Q Who did the trimming, if you know, after the layoff
7 started?

8 A Millie. Mildred was still there. And Josephine
9 O'Connell.

10 Q Have you been asked to come back to work as of yet?

11 A No.

12 Q Do you have any idea how many dozens of garments
13 you turned out on a daily basis between the time you re-
14 turned from your two-day absence when the layoff had started
15 and the time that you had stopped working in the first week
16 in November?

17 A No.

18 Q You don't know?

19 A No.

20 MR. WEINRICH: No further questions, Your Honor.

21 JUDGE HERMAN: Mr. Kushner?

22 MR. KUSHNER: I have a couple of questions.

23 FURTHER DIRECT EXAMINATION

24 Q (By Mr. Kushner) Mrs. Gonzalez, do you recall how
25 many dozen garments you do in a day?

CSA Reporting

1 A Not really. I never kept track. I just did my work
2 and that was it.

3 Q Mrs. Gonzalez, you testified that after Mary White
4 and Margaret Passannante were laid off, Mrs. Murray did
5 their work.

6 Did you mean by that that she did production work,
7 that she did production work?

8 A Yes. Yes, she had to finish what I was working on.

9 MR. KUSHNER: I have no further questions.

10 JUDGE HERMAN: Cross-examination?

11 MR. SCHER: Do you have a statement?

12 JUDGE HERMAN: We'll recess for ten minutes.

13 (Recess taken.)

14 JUDGE HERMAN: On the record.

15 CROSS-EXAMINATION

16 Q (By Mr. Scher) Mrs. Gonzalez, I want to ask you to
17 think back to the time you testified that Mr. Murray came
18 back at lunch time to the table in the rear of the shop
19 after the union had come in that morning.

20 Now, you said that Mr. Murray said that he had just
21 spoken to his accountant.

22 A That's right.

23 Q And his accountant had told him that the company had
24 just lost -- that he just figured out the company lost
25 money; correct?

CSA Reporting

1 A Yes.

2 Q What amount of money did he say it was?

3 A As I recall, 15,000.

4 Q \$15,000?

5 Do you recall Mr. Murray making the statement at that
6 time that, "We have lost 15,000 for the last year and we
7 just can't afford it"?

8 A That's right.

9 Q "Things have been very slow, and we will be forced
10 to close, and that will be the end of Solboro"?

11 A That's right.

12 Q Did Mr. Murray threaten you or any other employee
13 about joining the union at that time?

14 A No.

15 MR. WEINRICH: Objection.

16 Calls for a conclusion.

17 Move to strike.

18 JUDGE HERMAN: The objection is overruled.

19 The answer will stand.

20 Q Did Mr. Murray say anything that he didn't want you
21 to be in the union?

22 A No, sir.

23 Q Did he say that to any other employee?

24 A Not that I know.

25 Q Excuse me?

CSA Reporting

1 A Not that I know.

2 Q Did anyone ever tell you at the company that Josephin
3 O'Connell is your forelady?

4 A No.

5 Q You testified that you were in the office with Mr.
6 and Mrs. Harkavy and they asked you to sign a paper after
7 the time that Grace had come in and she had joined some of
8 the girls for lunch in the back of the shop; is that right?

9 A Yes.

10 Q Was that the incident where Mr. Harkavy had come
11 back and asked Grace why she hadn't come to him to tell
12 him that she was going into the back of the shop?

13 A That's right.

14 Q Was that the time that Mr. Harkavy had said to her
15 that she should come to him to ask his permission to go
16 into the back?

17 A Yes, sir.

18 Q And Grace was already laid off by the company at
19 that time, wasn't she? She was not working every day with
20 the company anymore, was she?

21 A No, she wasn't.

22 Q Do you recall Mr. Harkavy saying to Grace, "I would
23 like you to leave"?

24 A Yes.

25 MR. WEINRICH: Your Honor, I'm going to object.

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1 MR. WEINRICH: Rather than arguing about it, Your
2 Honor, I withdraw my objection. There is no point in ar-
3 guing about it.

4 JUDGE HERMAN: Will you repeat the question for the
5 witness?

6 MR. WEINRICH: Also withdraw my stipulation I may
7 have entered into at the same time.

8 JUDGE HERMAN: May have entered into? I don't recall
9 you entered into any stipulation.

10 Read the question.

11 (Portion of record read by the reporter.)

12 JUDGE HERMAN: Next question.

13 Q (By Mr. Scher) You testified that you heard Mr.
14 Hargavy say to Grace, or ask her to leave; is that correct?

15 A Yes.

16 Q And do you recall what Grace said back to Mr. Hargavy?

17 A At that particular time?

18 Q Yes.

19 A She said, "I just came over to get my layoff slip
20 for unemployment."

21 Q Do you remember Mr. Hargavy saying to her, "You have
22 no authorization to stay here in the factory"?

23 A Yes, he did.

24 Q And did Grace then say to him, "This is just what I
25 wanted. You heard him, girls; he asked me to leave. You

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1 just cooked your own goose."

2 A I don't recall.

3 Q Do you recall words to that effect?

4 A I know he asked her to leave. That I know. And
5 she told him that she had just come over to get a layoff
6 slip paper.

7 JUDGE HERMAN: What were the girls doing there at
8 the time?

9 THE WITNESS: We were having lunch.

10 JUDGE HERMAN: This was during your lunch hour?

11 THE WITNESS: That's right.

12 JUDGE HERMAN: Go on.

13 Q Now, do you recognize this to be the letter that
14 Mr. Hargavy asked you to sign, a copy of the letter that
15 Mr. Hargavy asked you to sign?

16 A Well, it was on a yellow sheet of paper, the one I
17 signed.

18 Q Yes.

19 Were lines on it?

20 A That's right; because I didn't read it.

21 Q Written out this way?

22 A That's right, in his handwriting.

23 Q And this is Mr. Hargavy's handwriting, isn't it?

24 A This is.

25 Q Now, is this your signature at the bottom in the

CSA Reporting

1 first column of signatures?

2 A That's right.

3 Q Were all these other signatures on the paper already?

4 A I was the last one to sign, yes.

5 Q These were the other people who were at the table,
6 at the lunch table in the back?

7 A Josephine was not at the table and neither was Richard.

8 Q Richard Kilz?

9 A Right.

10 Q Were they in the area?

11 A They were -- the machine, by the machines, knitting
12 machines.

13 Q Could they hear the discussion that took place?

14 MR. WEINRICH: Objection.

15 How would she know if they could hear?

16 JUDGE HERMAN: Sustained.

17 Q How far away were they from where the lunch table is?

18 A The lunch table is all the way in the back, and the
19 knitting machines are way in the front. As far as distance,
20 I don't know.

21 MR. SCHER: I'm going to ask that this be marked for
22 identification as Respondent's Exhibit 3.

23 JUDGE HERMAN: Give it to the reporter.

24 (Document above referred to
25 marked Respondent's Exhibit 3
for identification.)

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1 purpose of getting this signed.

2 I therefore want to have it admitted into evidence,
3 if for no other reason than to establish the fact that's
4 why Mr. and Mrs. Harkavy were meeting with the employees
5 for the purpose of getting this document, setting the record
6 clear, to be signed.

7 JUDGE HERMAN: Well, if that's the limited purpose
8 for which it is offered, it will be received for that pur-
9 pose.

10 MR. WEINRICH: I take it, when you are offering that,
11 you are not offering it for the truth of the matters as-
12 serted in that document?

13 JUDGE HERMAN: Absolutely not.

14 MR. SCHER: I already had testimony to that effect.

15 JUDGE HERMAN: Testimony to what effect?

16 MR. SCHER: I had testimony from that witness as to
17 what was said by both Grace Rugolo and by Mr. Harkavy and
18 what she heard.

19 I am not offering this to supplant witnesses' tes-
20 timony in this respect.

21 JUDGE HERMAN: You are offering it for the limited
22 purpose you just stated?

23 MR. SCHER: That's correct.

24 JUDGE HERMAN: Are you withdrawing your objection?

25 MR. WEINRICH: No. I still think the document is

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highly prejudicial.

JUDGE HERMAN: It is received for that limited purpose.

(Document heretofore marked Respondent's Exhibit 3 received in evidence.)

MR. KUSHNER: You will furnish counsel with copies?

MR. SCHER: Yes.

Q (By Mr. Scher) Mrs. Gonzalez, at the time that you gave a statement to the agent for the National Labor Relations Board on the 7th day of November 1974 -- and you testified about the fact that the way you worked has been changed since the beginning of October when the layoffs began, because, instead of working on just one stage, you were working on many different things on one garment, which was taking longer to get any one whole thing done -- did you also say anything to the Board agent about how much work there was in the shop and how it compared to how much work there used to be in the shop?

A No.

Q Well, didn't you make the statement to him which he put into your sworn statement that you signed that day, "I am doing fewer garments now because I have more work on each way. There is also less work in the shop to be done, although there is still work to be finished and packed and shipped"? Didn't you make that statement?

A Yes.

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1 Q Is that an accurate recollection of yours as to what
2 was happening at that time in the shop?

3 A Yes, sir.

4 Q Incidentally, did you resign your job from the com-
5 pany?

6 A No.

7 Q Well, you were laid off on --

8 A November.

9 Q -- November 8th?

10 A That's right.

11 Q Didn't you call the company?

12 A Yes, I did.

13 Q The following week?

14 A Yes.

15 Q And did you have a discussion with Mrs. Harkavy about
16 taking a different job?

17 A No.

18 Q Did you have a conversation with her about not want-
19 ing to go to file for unemployment because you were going
20 to be working?

21 A No. I --

22 May I answer?

23 Q Yes.

24 A I spoke to Mrs. Murray on November 8th, and I asked
25 her for a couple of days off, being it was slow, for per-

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1 sonal reasons. And she told me it was very slow, for me
2 to go and collect unemployment.

3 So, I did not apply for unemployment because I was
4 taking the time on my own, but I did not tell her that I
5 have taken another job.

6 Q Well, did you take another job?

7 A Yes, I did.

8 MR. WEINRICH: Objection.

9 I think it's a collateral matter, and we've gone far
10 enough.

11 JUDGE HERMAN: Well, it's only collateral to the ex-
12 tent that it goes beyond any claim for back pay.

13 MR. WEINRICH: It is not an alleged 8(a)3, Your Honor.

14 JUDGE HERMAN: I'm sorry.

15 MR. SCHER: My purpose was --

16 JUDGE HERMAN: What is the relevance?

17 MR. SCHER: There was a statement made on direct
18 examination about the fact that she was laid off, and there
19 was nothing following that to indicate that her employment
20 actually terminated by her report to the company that she
21 had taken another job.

22 I want to clarify that.

23 JUDGE HERMAN: But she is not alleged as an 8(a)3.

24 MR. SCHER: I won't pursue it any further.

25 Q (By Mr. Scher) Mrs. Gonzalez, I want you to think

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1 back again to the time that you were in the office with
2 Mr. and Mrs. Harkavy, who you call Mr. and Mrs. Murray.

3 At the time that you signed this letter, which was
4 introduced into evidence, and you testified on direct ex-
5 amination that you were asked certain questions by Mr.
6 and Mrs. Harkavy; is that correct?

7 A Yes.

8 Q Now, do you recall at that time during that conver-
9 sation Mrs. Harkavy making the following statement to you:
10 "We do not hold it against you girls that you went with
11 the union. We cannot afford the wages. We cannot compete
12 with Hong Kong."

13 A That's right.

14 MR. SCHER: No further questions.

15 JUDGE HERMAN: Redirect?

16 REDIRECT EXAMINATION

17 Q (By Mr. Weinrich) The counsel has just asked you ab-
18 a statement made in a conversation that you had with Mrs.
19 Harkavy, and he read to you and asked you if she said,
20 "I cannot afford the wages. We cannot compete with Hong
21 Kong," and that was preceded by, "We do not hold it against
22 you girls that you want the union."

23 Is that the conversation in which Mrs. Harkavy asked
24 you if you were a union member?

25 A Yes.

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1 MR. WEINRICH: No further questions.

2 JUDGE HERMAN: Mr. Kushner?

3 FURTHER REDIRECT EXAMINATION

4 Q (By Mr. Kushner) Is it also the same conversation
5 in which Mrs. Harkavy asked you, "I can't understand why
6 Grace did this. I taught her the machine and I liked her
7 very much."

8 A Yes, sir.

9 Q Counsel for the Respondent also asked you a question
10 earlier in connection with work following the layoffs in
11 October. He asked you if you said that after the layoffs
12 you had to do a little work on the sweaters, both shoulder,
13 collar setting, and closing sleeves, which had been done
14 by Grace, and the single-needle work on tops and bottoms,
15 and setting pockets, "which I had previously done myself.
16 I did all the garments; I did fewer garments because I
17 have more work each day."

18 And then the following sentence, "There is also less
19 work in the shop to be done, although there is still work
20 to be finished and packed and shipped."

21 Now, in connection with that last sentence about
22 there being left less work in the shop to be done, what
23 period of time are you referring to here?

24 Is that the first week after these people were laid
25 off, which was the second week of October? Is it the fol-

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1 lowing week? Is it the third week of October? Is it the
2 next week, which is the fourth week of October, and the
3 last week that you worked?

4 JUDGE HERMAN: Do you understand the question?

5 THE WITNESS: No.

6 MR. KUSHNER: It is a long question. Let me repeat.

7 THE WITNESS: was too long.

8 Q The sentence that I'm concerned with is the final
9 sentence that you were asked, which was, "There was also
10 less work in the shop to be done, although there is still
11 work to be finished and packed and shipped."

12 Now, what I'm asking you, what period of time you
13 were talking about in connection with that statement?

14 Was it the week that Grace and the others were laid
15 off? Was it a week after that? Was it later?

16 A It was after.

17 Q Was it the last week?

18 A About the last week of October.

19 Q About the last week of October?

20 A Yes.

21 Q Up to that point there had been more work; is that
22 what you are saying?

23 MR. SCHER: Objection.

24 MR. KUSHNER: I will withdraw that.

25 JUDGE HERMAN: Overruled.

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1 MR. KUSHNER: You have a right to answer that.

2 A Enough to keep us working.

3 Q You testified on cross-examination that no one had
4 told you that Mrs. O'Connell was a forelady; is that cor-
5 rect?

6 A That's right.

7 Q Had Mrs. O'Connell ever given you your work to do?

8 A Give me work to do?

9 Q Give you your work to do or tell you what to do in
10 connection with your work.

11 A No. Just a floor girl. She gave me the work, but
12 Mrs. Murray gave me all the instruction.

13 Q Did you hear Mrs. O'Connell give instructions to any
14 of the floor workers or any other employees at any time?

15 A No.

16 MR. KUSHNER: That's all.

17 RECROSS-EXAMINATION

18 Q (By Mr. Scher) You testified a moment ago on re-
19 direct that there was enough to keep you working.

20 A That's right.

21 Q Did you mean by that Josephine and Carmen and your-
22 self and Ana? Is that the people you are talking about?

23 A The people that were at the shop, yes.

24 Q Who were working at that time?

25 A Right.

CSA Reporting

1 MR. SCHER: No further questions.

2 JUDGE HERMAN: Anything further?

3 MR. WEINRICH: Nothing.

4 JUDGE HERMAN: You are excused. Thank you.

5 (Witness excused.)

6 JUDGE HERMAN: Off the record.

7 (Discussion off the record.)

8 MR. WEINRICH: Mrs. Rugolo, please.

9 Whereupon,

10 GRACE RUGOLO

11 was called as a witness by and on behalf of the General
12 Counsel and, having first been duly sworn, testified as
13 follows:

14 JUDGE HERMAN: Be seated.

15 State your name and address.

16 THE WITNESS: My name is Grace Rugolo, and I live
17 at 8 Short Avenue, Patchogue, New York.

18 DIRECT EXAMINATION

19 Q (By Mr. Weinrich) Mrs. Rugolo, have you ever been
20 employed by the Solboro Knitting Mills, Inc.?

21 A Yes.

22 Q When did you begin work for Solboro?

23 A July 22nd, 1974.

24 Q And at what job were you hired?

25 A I was hired as a merrow machine operator.

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1 Q Could you describe the type of work you did on the
2 merrow machine during the period of your employment?

3 A Yes. Mrs. Murray -- I was introduced to her as Mrs.
4 Murray -- first had showed me the operation of closing up
5 either part of the sleeves, the shoulders, and then later
6 on she gave me sleeves to do.

7 From that, she gave me an operation to finish the
8 garment all around the sweater with the merrow machine,
9 and also to put on shawl collars and borders down the
10 sweaters.

11 Q Where in the production process did your particular
12 job take place? What came before your job and what came
13 after your job?

14 A Well, my job came extremely off the cutting table.

15 Q When you say "extremely" --

16 A Right. I would get it right after the cutting. It
17 will come right to me.

18 Q So, would it be correct that your job was the first
19 machine operation?

20 A Right.

21 Q And where did the work, or where did the goods that
22 you worked on go when you completed them?

23 A It went to Carmen because she would put the sleeves
24 in. She would insert the sleeves.

25 Q When you began working at what rate of pay were you

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1 hired?

2 A 2.25 an hour.

3 Q Did you receive any raises during the course of your
4 employment?

5 A Yes, I did. A week later Mrs. Murray came to me and
6 said she was very pleased with my work, and she would take
7 care of me, which she did, and she gave me 2.50 hourly
8 wages then.

9 Q A raise to 2.50 an hour?

10 A Yes, another 25¢ more an hour.

11 Q By whom were you hired?

12 A Mrs. Murray.

13 Q Did you have a conversation with her at that time?

14 A An interview, yes.

15 Q When did that interview take place, if you remember?

16 A About May, sometime in May.

17 Q And, if you recall, will you tell us what Mrs. Murray
18 said to you during that conversation and what you said to
19 her?

20 A Yes. She wanted to know where I was previously, you
21 know, working for. And I told her Ballerina, and they
22 went out of business, and I was an operator for 13 years,
23 both single and double needle.

24 And I did not hide the fact that I was a union member.

25 Q What did you say to her, if anything?

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1 A Oh, when I spoke to her on the phone, and she did
2 want an earlier interview, I couldn't make it that pre-
3 vious day because I had says to her before I could take
4 on the job, a non-union job.

5 I had to freeze my book, my union book, and so there-
6 fore that's what I did.

7 And she said any time I'm available to call again,
8 and we would arrange an interview.

9 Q So, now you are talking about a telephone conversation
10 which took place before the personal interview?

11 A Right.

12 Q Getting to the personal interview, what conversation
13 -- or, what did Mrs. Murray say to you during that conver-
14 sation?

15 A She seemed very pleased with me and with the exper-
16 ience I had, and she said right now, if I did respond to
17 her interview, the first time she asked, I would have the
18 job, but she already was breaking someone else in and she
19 would call me in the near future.

20 Q Do you recall if Mrs. Murray said anything else to
21 you during that first personal interview?

22 A Yes, she did. She says to me, "If you are a union
23 member, why are you coming to a non-union shop for a job?"

24 And my reply was that work is scarce at this par-
25 ticular time, and they can't seem to get a job for me.

CSA Reporting

1 Q How did you come to be hired after your personal
2 interview?

3 A Well, I again called for a second time to find out,
4 you know, what was happening, and she had says that she
5 didn't need anyone yet but she will call as soon as she
6 did need me, which she did.

7 Q When did she call you?

8 A July 22nd in the morning, at 8:30 in the morning .

9 Q What did she say to you at that time?

10 A Oh, she just says, "I have an opening I would like
11 for you to come in this morning."

12 Q What did you say?

13 A Well, I says I really couldn't make it right away
14 because I really had to check it out with my Local 107
15 if I was able to go in a non-union shop.

16 Q Following was anything else said during that conver-
17 sation that you recall?

18 A Would you please repeat that?

19 Q Did the conversation end then, or was anything else
20 said?

21 A Was that at the interview?

22 Q In the phone call, July 22nd.

23 A Oh, no. She just says call back when I was ready.

24 Q Following that conversation did you have occasion
25 to contact any representative of Local 107?

CSA Reporting

1 A Oh, yes. After I got through speaking to Mrs. Murray
2 asking me to report to work, I called Local 107 to find
3 out if there would be any penalty if I would go to a non-
4 union shop, being I have been a member for 13 years.

5 Q Who did you speak with, if anyone?

6 A I asked for someone in the office, and at that par-
7 ticular time I believe I have known him as Gaby. He had
8 answered the phone, and I had asked him, and he says,
9 "Well, report to work," which I did. And I got in 11:00
10 o'clock on that Monday morning to report to work.

11 Q When you reported to work on that Monday morning at
12 11:00 o'clock, do you recall if you had a conversation
13 with Mrs. Harkavy?

14 A She was very pleasant and she says to me, "There
15 will never be any layoffs. It's year-round work." And
16 also she has says, "I didn't forget about you."

17 She took me to my station. She showed me what type
18 of work to do, and that was it.

19 Q After you began working at Solboro on that day,
20 July 22nd, 1974, Mrs. Rugolo, did there come a time when
21 you had occasion to enter into a discussion or discussions
22 with your fellow workers or fellow employees about work-
23 ing conditions?

24 A Yes. The very first day I had lunch there I thought
25 it was a nightmare. All I heard was complaints about the

CSA Reporting

work.

1 Q Before you go into it, who did you have this conver-
2 sation with?

3 A Well, there was the whole group. O'Connell was sit-
4 ting at the table. There was Donna, Carmela, Mildred Eve,
5 Julie,
6

7 Joyce wasn't hired at the time, and Mary White wasn't
8 hired at the time.

9 Q Where did the conversation take place?

10 A At the lunch table.

11 Q Now, will you tell us what you said and what the
12 other employees said to you, if anything?

13 A Well, the first thing they asked about my wages,
14 which I denied to answer.

15 And O'Connell says, "Well, you are going to get a
16 fat ten-cent raise a year if you are going to work in this
17 place."

18 And then Carmela said to me, "This is nothing but a
19 sweat shop, and the boss is nothing but a slave driver."
20 That was the exact words.

21 Q Can you anything else being said during this
22 discussion?

23 A Well, I sort of made a comment, "If you girls don't
24 like the way things are done around here, you should do
25 something about it."

1 Q Anything else that you recall saying or being said?

2 A Well, at that particular day? I can't seem to recall
3 right now.

4 Q Following that first discussion on your first day of
5 work, did you have any similar discussions about working
6 conditions with your fellow employees thereafter?

7 A That continued every afternoon.

8 Q Were the same people present at those discussions?

9 A Yes, only for one exception: O'Connell then started
10 eating with Richard the knitter at the front of the plant.

11 Q After O'Connell left, did you ever have occasion to
12 speak with her?

13 A Yes, I did.

14 During lunch hour, you know, we always tell jokes
15 and had a few laughs. And one afternoon, you know, O'Con-
16 nell approached me and says, "What's so funny back there?"

17 And I said, "We're just telling a few jokes," and
18 I says, "Well, you don't enjoy our company, you shouldn't
19 be enjoying our jokes then."

20 She said, "Well, Mrs. Murray is always telling me to
21 sit at the lunch table and find out what you girls are
22 always talking about to report back."

23 And I replied, "Well, what does she expect to hear?"

24 Q Wh... did that --

25 JUDGE HERMAN: What did she say?

CSA Reporting

1 THE WITNESS: She went -- in other words, she says
2 who cares, she couldn't be bothered with Mrs. Murray.

3 Q When did that conversation take place?

4 A About six weeks after I was working for Solboro.

5 Q Well, during your discussions with your fellow em-
6 ployees in the shop, did you come to learn anything else
7 about Mrs. O'Connell?

8 A Yes, certainly. I found out through the girls,
9 mainly from Carmela, that's the Carmela that she also is
10 called Millie, and from Julie, and also Donna that O'Connell
11 could not be trusted. Whatever went on would be directly
12 reported to Mrs. Murray.

13 Q Following these discussions that you had about work-
14 ing conditions, for how long did they continue?

15 A Well, they continued for about a month.

16 And finally I says, "Look," and I just told them
17 about the good points of the union and the bad, and if
18 they should do something they should form a group and
19 stick together.

20 At that time they all agreed, so then I had called
21 Clara. Clara referred me.

22 Q Clara who did you call?

23 A She was one of my agents from Local 107. She was
24 a representative, so she had referred me to --

25 JUDGE HERMAN: Clara Rhatigan?

CSA Reporting

1 THE WITNESS: I really don't know her last name.
2 I only know her as Clara from Local 107. She represented
3 us.

4 So, she referred us to Gaby. And so I called Gaby,
5 and he had said if they are interested to get some names,
6 which I did.

7 Q The gentleman you are describing as Gaby, is that
8 Gaby Sciacca?

9 A Yes.

10 Q Did there come a time when Mr. Sciacca asked you
11 to sign a union card?

12 A Yes.

13 Q When was that, if you remember?

14 A July 31st when he came to my home with Clara.

15 Q When he came to your home, if you recall, would you
16 tell us what he said to you and what you said to him?

17 A Yes.

18 I'm familiar with all the procedures of the union
19 and all, and he had to ask me if I want to go through with
20 it and if I would like to, you know, join the union and
21 stay in. And I says yes.

22 Q Did he give you anything to sign?

23 A Yes, he gave me the card.

24 Q Did you sign the card?

25 A Yes, I did.

CSA Reporting

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1 Q Did you fill it out?

2 A Yes.

3 Q Did you read it before you signed it?

4 A Yes, I did.

5 Q I show you General Counsel's Exhibit No. 2 in evi-
6 dence, and ask you if this is the card you have just tes-
7 tified to.

8 A Yes, this is the card.

9 Q Is that your signature on the card?

10 A Yes, it is.

11 Q Did you date that card?

12 A Yes, I did.

13 Q Fill out the other information?

14 A Yes.

15 Q All in your own hand?

16 A All in my own hand.

17 Q Did there come a time when you contacted Mr. Sciacci?

18 A Yes, I did.

19 Q After signing the card?

20 A Yes. When I was hearing all these complaints about
21 how unhappy and how mistreated the girls were and how under-
22 paid they were being, and they had no benefits of any kind.

23 So, I had called him, and I says that the girls seem
24 to be very interested in having an organization, you know,
25 brought into Solboro.

CSA Reporting

1 Q What did he say?

2 A Well, he says, well, if I would get some names for
3 him to do so, which I did.

4 Q Did there come a time when you gave him names?

5 A Yes, I did.

6 Q When was that, if you remember?

7 A About the end of August, I believe, and the begin-
8 ning of September.

9 Q What names, if any, did you give him, if you remember?

10 A I gave him Carmen's name, and I gave Mary White's.
11 I gave Joyce's name, Donna's name. I can't recall much
12 more at present.

13 Q Did there come a time when you saw Mr. Sciacca come
14 to the shop?

15 A No, I did not see him come to the shop.

16 Q Did there come a time when you found out from other
17 employees that Mr. Sciacca had been in the shop?

18 A Yes, I did.

19 Q Did there come a time when any representative of the
20 Employer spoke with you and the other employees about the
21 union?

22 A Yes, that was on October 4th when Gaby came in for
23 recognition of the shop.

24 Q You didn't see Gaby that day, though?

25 A No.

CSA Reporting

1 Q Did you speak with him that day?

2 A No.

3 Q And at what time of day did a representative of the
4 Employer speak with you?

5 A It was just after our lunch, our lunch period was
6 not over as yet, and he came to us and he says --

7 Q Who is the he you are referring to?

8 A Oh, Mr. Murray.

9 Q Was anybody else present at that time?

10 A Yes. He sort of called a meeting. In other words,
11 the whole shop was present.

12 Q Was any other representative of the Employer present?

13 A There was Mr. and Mrs. Murray.

14 Q Mrs. Murray too?

15 A Yes.

16 Q Who spoke?

17 A Mr. Murray spoke.

18 Q If you can recall, tell us what Mr. Murray said?

19 A He said that he had -- the union came in to see him
20 in the morning, and that he lost \$15,000 for the year of
21 1974 for he had some cancellations on that year, and he
22 couldn't possibly afford a union, and if we did go union
23 he would have to close shop.

24 And his last words were, "Think it over."

25 Q Was Mrs. O'Connell present at that conversation?

CSA Reporting

1 Q How did you learn of that?

2 A Well, on October the 6th I received a call from Gaby
3 and he had asked me if Ana was at my home with a letter
4 because Ana had called him to say that O'Connell was send-
5 ing a letter around.

6 Q Did Mrs. O'Connell ever approach you with the letter?

7 A No, she did not.

8 Q Did you ever have a conversation with Mrs. O'Connell
9 about the letter?

10 A Yes. As soon as --

11 Q When did that conversation take place?

12 A That took place on the Monday, on the 7th of October,
13 when I went in.

14 Donna came to me to tell me about the letter. And
15 then when Josie O'Connell came to bring me work, I says --
16 I had asked about this letter, why I did not get such a
17 letter to sign.

18 And she of course denied everything.

19 Q What did she say?

20 A She says, "Letter? What letter? I don't know what
21 you are talking about."

22 So I says, well, I says, "A letter you took to Ana
23 and to Carmela and to Donna."

24 She says, "I didn't do no such thing." She said,
25 "Where did you get that information?"

CSA Reporting

1 I said, "Donna told me this morning."

2 So she said, "Well, no, I just wrote one for myself."

3 JUDGE HERMAN: I understood you to say a little while
4 ago that Ana had told you that.

5 THE WITNESS: No, Ana called Gaby to tell Gaby, and
6 then Gaby referred that message to me.

7 JUDGE HERMAN: I'm sorry.

8 Q Following October the 7th did there come a time when
9 you handed out leaflets?

10 A The 7th? It was the 8th, the day I was laid off.

11 Q What happened on the morning of October the 8th?

12 Did you report to work?

13 A Yes, I reported to work.

14 Q What time did you report?

15 A I reported to work at 7:30.

16 Q Did you go inside at that time?

17 A No, I met with a group of people on the outside of
18 the plant.

19 And the group of people were Gaby, Clara, another
20 representative, Donna, Joyce, Mary White, and myself.

21 Q What did you do that morning?

22 A That morning we were given pins to wear, buttons,
23 you know, buttons saying "The union for me."

24 Q Yes. And what else?

25 A And then leaflets to give out.

CSA Reporting

1 Q What did you do with the button you were given?

2 A I wore it on my coat.

3 Q And where did you station yourself?

4 A I stationed myself right at the apron part of the
5 driveway as the car would be coming in.

6 Q Who were you standing with, if anyone?

7 A I was standing with the group I had mentioned earlier.

8 Q Did there come a time that morning when you saw Mrs.
9 Harkavy and Mr. Harkavy?

10 A Yes, I did.

11 Q When did you first see them?

12 A When they pulled in with their car.

13 Q And then when they pulled in with their car, where
14 were you standing and who were you standing with?

15 A I was standing with Gaby and Clara, myself and Donna.

16 Q Do you recall if you were wearing a button at that
17 time?

18 A Yes.

19 Q I show you General Counsel Exhibit 11, and ask you
20 if you can identify it.

21 A Yes.

22 Q Is that the button you were wearing or a facsimile of
23 the button you were wearing?

24 A This is the button.

25 JUDGE HERMAN: You mean that type of button.

CSA Reporting

1 THE WITNESS: That type. It wasn't that button. I
2 have my button at home.

3 Q What time did you go inside to work that morning?

4 A I went in at five to eight.

5 Q After reporting to work, do you punch in or anything?

6 A Oh, definitely.

7 Q There is a punch card?

8 A Yes.

9 Q After punching in, do you recall if you had a conver-
10 sation with any representative of management?

11 A Well, after I went to my working station and we were
12 waiting for the power to be put on so we can start our work.
13 Mr. and Mrs. Murray both approached me at my machine, and
14 Mr. Murray said to me, "Isn't it against the law to wear
15 that button in my shop?"

16 Q Who said that?

17 A Mr. Murray.

18 Q Mr. Murray said that to you?

19 A Yes.

20 And I said, "No, there is no such law."

21 Then Mrs. Murray said, "This is my house, and it's
22 against the law to wear it in my house."

23 Then I replied that I'm sorry that she thinks as a
24 and I think as a union, as a worker, so I think union. A
25 I refused to take my button off.

CSA Reporting

1 Q And what, if anything, did Mr. Harkavy say?

2 A Then he took Rita and says, "Rita, leave her alone.
3 Don't argue with her."

4 And Mrs. Murray says, "I'm only interested in getting
5 my work out for the day."

6 Q Now, that morning after that conversation did you
7 begin to work?

8 A Yes, I did.

9 Q What type of work were you doing that morning? What
10 type of garment were you working on?

11 A I was doing the usual closing the sleeves and the
12 merrowing all around the sweater.

13 Q Where did you get your work from before? Where was
14 your work kept?

15 A It was kept on the table, and O'Connell would put
16 it in my bins.

17 Q So you would take the work out of your bin?

18 A Right.

19 Q Was your bin full that morning?

20 A For the morning, yes.

21 Q And was there any change -- Did you eat lunch that
22 day?

23 A I beg your pardon?

24 Q Did you eat lunch that day?

25 A Yes, I ate lunch that day.

CSA Reporting

1 Q After returning from lunch, was there any change in
2 the work you were doing?

3 A Yes, because I had enough work for the morning, but
4 came the afternoon the work -- I have done practically all
5 of it and I had to keep asking for it, and I was getting
6 just little dribs and drabs at a time.

7 Q What do you mean, dribs and drabs at a time?

8 A Well, they started to bring me -- like, O'Connell
9 would usually fill up my bin. This time it would be maybe
10 about three dozens or four dozens at a time.

11 Q Were you able to observe if there was any work on
12 the cutting table?

13 A Yes -- Well, that day everything sort of slowed down
14 the steaming, the cutting, and --

15 Q What about the day before, was there any slowdown
16 the day before that you could observe?

17 A No, the work was coming out.

18 Q Do you recall if you had a conversation with Mrs.
19 Harkavy after lunch that day?

20 A Yes, I did.

21 She left Margaret's machine because she was sitting
22 on Margaret's machine that day doing Margaret's work, and
23 she came just about ten, fifteen minutes to sit on the
24 next machine from me. She had some work to do.

25 Q Which machine was that?

CSA Reporting

1 A That was on my right hand.

2 Q Who regularly sat there?

3 A Well, Mrs. Murray more or less, to do a little work
4 here and there.

5 Q Was Carmen in that day, do you recall?

6 A No, Carmen was not in that day.

7 Q Was anybody doing Carmen's job that day on the merrow
8 machine?

9 A No. I was the only one on the merrow machine that day.

10 Q Were you merrowing just those items that you custo-
11 marily merrowed or something else?

12 A No, just what I usually did.

13 Q You weren't doing Carmen's job?

14 A No.

15 Q Was anybody doing Carmen's job?

16 A No. Hers were setting sleeves, and I didn't set
17 sleeves.

18 Q When Mrs. Harkavy sat down next to you, did you have
19 a conversation with her?

20 A Yes -- I don't know if you would call it a conversa-
21 tion.

22 Q Why don't you tell us what she said, if anything, if
23 you recall, and what you said.

24 A Well, she was very snappy, and --

25 MR. SCHER: Objection.

CSA Reporting

1 Q Just tell us what she said.

2 A All right.

3 She said to me, "I should have listened to Kay be-
4 cause Kay always hated you."

5 This was a former worker that worked for Mrs. Murray
6 for 27 years. And Kay told me she has been mistreated for
7 27 years. And she left because I was getting 2.50 an hour
8 and Kay was getting 2.60 an hour. And she asked for a raise
9 and she didn't get it, and she left.

10 So therefore she says because Kay hated me and she
11 should have listened to me and she wouldn't have had all
12 this trouble, or whatever she was trying to say.

13 And I got a little annoyed at that, and I had said
14 if there is anybody that hates anybody it's her workers
15 that hate her, because she is a terrible boss.

16 Q What did she say?

17 A She says I was right.

18 Q Do you recall if you said anything else to her either
19 before or after that conversation?

20 A Yes, I did.

21 Then after I needed more work, and I got very little
22 and I knew right away I was going to be the next one to
23 get laid off, so I says to her, "I guess I'm going to be
24 the next one to get laid off."

25 Who did you say that to?

CSA Reporting

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1 A To Mrs. Murray.

2 And she says, "Now why do you say that? I have plenty
3 of work for you.

4 Q And when was that? Was that before or after the con-
5 versation you just described?

6 A That was after the conversation.

7 Q What happened after both of these conversations with
8 Mrs. Murray? Did you receive more work?

9 A I asked for more work, and I just got a few more
10 dozens.

11 Q Who gave you the few more dozens?

12 A O'Connell.

13 And then, when I got through with it, I had asked
14 Mrs. Murray that I needed more work, and she says, "Well,
15 I haven't any more to give you." She says, "You can go
16 home now and keep in touch."

17 Q About what time was that, if you remember?

18 A I punched out at 3:30 exactly.

19 Q And do you recall at about what time your conversation
20 with Mrs. Harkavy was where she said, or where you testi-
21 fied that she said that she had plenty of work for you?

22 A Yes. It was just about between 2:00 and 2:30.

23 Q Now, Mrs. Rugolo, on the day that you were laid off,
24 could you tell us what you observed going on in the shop,
25 if anything?

CSA Reporting

1 A Yes. The knitting machines were operating.

2 Q How many, if you remember?

3 A Well, there was about two or three. I can't say e
4 actly, but it was more than one.

5 Q Was anything being cut that day, if you observed?

6 A There was some cutting on the table, something tha
7 I should have been doing.

8 Q How much work could you see in the shop that you
9 should have been doing at that time?

10 MR. SCHER: Objection.

11 HEARING OFFICER: Sustained.

12 Q How much work did you see on the cutting table tha
13 had been prepared in terms of hours that it would have
14 taken to complete?

15 A Oh, I would say about another two more hours.

16 Q Did you overhear, or where you present when a con-
17 versation between Mrs. Harkavy and Donna Moravec took pl
18 that morning?

19 A Yes, I did.

20 Q What happened at that time?

21 A Well, Donna was looking to get some work from Joyc
22 Brown so she could keep herself busy when Murray noticed
23 and she says, "Donna, what do you want?"

24 And Donna says, "I'm looking for work."

25 And she says, "Well, I haven't any work for you.

CSA Reporting

1 You can go home."

2 Q Did there come a time when you returned to the shop
3 after the 8th of October?

4 A Yes. I had my paycheck coming to me, and I figured
5 I will go pick it up at my lunch hour so I could visit the
6 girls and, you know, talk with them as we usually did.

7 Q Did you observe any work being produced?

8 A Yes.

9 Q In the shop on that day?

10 A Yes.

11 Q Who did you see working, or did you come at the lunch
12 time?

13 A I beg your pardon?

14 Q Were you there before lunch?

15 A No, during lunch hour. But Mrs. Murray was cutting
16 work on the cutting table.

17 Q You observed Mrs. Murray cutting?

18 A Definitely.

19 Q Could you tell what type of work she was cutting at
20 that time?

21 A The type of work that we were working on.

22 Q Did you know Margaret Passannante?

23 A Yes, I did.

24 Q After she was laid off, did you observe who worked
25 on her machine and did her work?

CSA Reporting

1 A Yes. The very same -- I had asked Mrs. Murray what
2 happened to her, and she says she didn't know.

3 And then later she came back to me and told me, "If
4 you are afraid that Margaret's in jail, she is not," be-
5 cause Margaret had a case previous to that on a Friday
6 for an accident, and she says that Margaret wasn't coming
7 in because she didn't have any work for Margaret, and Mar-
8 garet was on retirement.

9 Q Did you see anybody operating Margaret's machine?

10 A Yes. Mrs. Murray.

11 Q On what day was that, if you remember?

12 A That was on the 7th, on the Monday.

13 Q Now, on your last day of work, October the 8th, did
14 you observe if there were any goods on shelves or stored
15 anyplace else that hadn't yet been separated?

16 A Definitely.

17 Q Are you familiar with the type of operation that
18 Solboro ran, what type of knitter they were?

19 A It was a bulk knit.

20 Q Do you know if they purchased their own yarn?

21 A No, they received yarn. They used to purchase their
22 own yarn, but the knitting -- well, would you please say
23 that again?

24 Q Maybe I will withdraw the question.

25 MR. WEINRICH: No further questions, Your Honor.

CSA Reporting

P R O C E E D I N G S

JUDGE HERMAN: On the record.

Whereupon,

GRACE RUGOLO,

having been previously duly sworn, resumed and testified further as follows:

CROSS-EXAMINATION

BY MR. SCHER:

Q Mrs. Rugolo --

JUDGE HERMAN: Mrs. Rugolo, the oath you took yesterday is still binding on you.

THE WITNESS: Yes.

Q Mrs. Rugolo, you testified yesterday that you received a call sometime after your interview in May of 1974 by Mrs. Harkavy.

You received a call from her in which she told you that she had an opening for a job and that you should come in, is that correct?

A That was on July 22nd when there was an opening. That's when I went in.

Q Mrs. Harkavy called you about it and told you to come in?

A Right.

Q Then you testified that you got hold of the union,

CSA Reporting

1 Local 107?

2 A Before I applied I had to check out with my
3 union to see if there would be a penalty if I could go
4 into a non-union shop.

5 Q This is after Mrs. Harkavy called to tell you that
6 she had an opening?

7 A Right.

8 Q Now, what did you ask Mr. Sciacca when you spoke
9 to him?

10 A Well, I really didn't ask just for him.

11 I just wanted to know what the rules were and he
12 happened to get on the line and he just told me if I wanted
13 a job to go get it because jobs were scarce, as I had said
14 later on to Mrs. Murray.

15 Q And when you told him -- you did tell him at that
16 point that Soloboro was a non-union shop, right?

17 A Yes, I says it was a non-union.

18 Q And what did Mr. Sciacca say to you about that?

19 A Told me to go to work.

20 Q Did he ask you if you knew anything about the
21 conditions in the shop?

22 A No, he did not.

23 Q Did he ask you if you knew anything about the pay
24 in the shop?

25 A No, he did not.

CSA Reporting

1 Q Did he ask you if you knew any of the employees who
2 were working there?

3 A No.

4 Q Did you tell him any feelings that you had about
5 what you would like to do when you got employed in the
6 shop?

7 A No.

8 Q Did you have any discussion with Mr. Sciacca at
9 all about organizing the place?

10 A No.

11 Just after I got through hearing all the complaints
12 from the girls.

13 Q I am talking now about your conversation with Mr.
14 Sciacca when you told him you were going to work at
15 Solboro.

16 A No, none at all.

17 Q Is your testimony then that you had no discussion
18 with Mr. Sciacca about what you would do after you got into
19 the place?

20 A Only if the girls weren't happy.

21 Q What happened about that?

22 What was your discussion about that?

23 A If the girls weren't happy about working in the place
24 and if they wanted to have it improved, I should, you know.
25

CSA Reporting

1 you joined the company you signed a card for the union,
2 is that correct?

3 A Yes, I did.

4 Q Now, at that same time did you begin to urge other
5 employees to join the union?

6 A After the first week I was there?

7 Q Yes.

8 A I heard an awful lot of complaints which I did and
9 when Cave came to my house to have my card authorized
10 so he could represent me, I gave him Carmen's address
11 to go to.

12 Q Carmen Golzalez?

13 A Right.

14 Q It was then that -- at that time in your discuss
15 that very first week with the employees about things
16 that they told you about their conditions that you
17 suggested to them that they should form a union?

18 A No, not the first week.

19 Q You say you started work on July 22nd, is that
20 correct?

21 A Right.

22 QA And that you signed your card July 31st, several
23 days later?

24 A Right.

25

1 Q Isn't it a fact that you contacted Mr. Sciacca in the
2 last week of July prior to the time you even signed your
3 own card and told him that some of the workers were
4 interested in the union and that you wanted to do something
5 about it?

6 A Well, no.

7 When I signed my card that is the impression I gave
8 him, that the girls were very unhappy and I believe
9 something could be done with the girls to organize them.

10 Q As a matter of fact, didn't you talk to Mr. Sciacca
11 about getting in there and starting to organize the
12 place even before you signed your own card?

13 A Not before I signed my own card.

14 Q Isn't it -- is it your testimony then that you do
15 not remember telling Mr. Sciacca that you had spoken to
16 the employees, you had suggested that they form their own
17 union, you had them compare their benefits with union
18 benefits, you spoke to them at lunchtime and then you
19 contacted Mr. Sciacca and told him that the workers
20 were interested in the union and that this occurred in the
21 last week of July?

22 Is it your testimony that it did not happen that
23 way?

24 A I don't remember recalling it that way. I don't
25 remember that.

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1 JUDGE HERMAN: The last week in July would not be
2 during her first week of employment, would it?

3 MR. SCHER: Well, if she started --

4 JUDGE HERMAN: The 22nd, which was a Monday.

5 The last week in July would take it, would start
6 on the 29th.

7 MR. SCHER: That's correct.

8 She started on July 22nd and she signed her card
9 July 31st, which is the Wednesday of the following week.

10 Q I would like to invite your attention to this portion
11 of your affidavit and ask you if that refreshes your
12 recollection.

13 A Well, a few were interested but we didn't sign them
14 up.

15 Q I'm not concerned with whether you signed them up
16 or not but did you -- does this refresh your recollection?

17 A Well, yes, that a few of them were already inter-
18 ested, yes.

19 Q So then this is an accurate statement that you made
20 to the NLRB agent who spoke with you at the time you
21 gave your statement on October 30, 1974:

22 "I contacted Sciacca and told him that a few of the
23 workers were interested in the union. This occurred
24 in the last week of July."

25 JUDGE HERMAN: Answer, please.

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1 A Yes.

2 Q Then isn't it a fact that Mr. Sciacca said, "Well,
3 get their names and addresses and I will start visiting
4 them"?

5 A Yes.

6 Q Now, on the day that you signed the card, July 31st,
7 did you tell Mr. Sciacca that there were many complaints
8 in the shop and that the workers could be organized?

9 A Yes, I did.

10 Q And you then gave him the names and addresses of various
11 people?

12 A Yes.

13 Q And to get those names and addresses you had to
14 speak to each individual employee that you got the name
15 and address from, is that correct?

16 A We were at the lunch table.

17 Q And you got them from the individual employees, is
18 that correct?

19 A Right.

20 Q You asked each one for her name and address?

21 A And concerning to what the matter was about.

22 Q You mean concerning their interest in the union?

23 A Yes.

24 Q You explained to them and compared union benefits
25

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1 with their benefits and talked about union conditions and
2 union wages, et cetera, is that right?

3 A Yes, but I had my reasons too.

4 Q So that right from the beginning of your period of
5 employment with the company you were spending time talking
6 with employees, listening to their complaints, getting
7 their names and addresses, with an eye towards putting
8 Mr. Sciacca in a position where he could sign them up,
9 sign union cards, is that correct?

10 A No, not really.

11 Not when I started hearing the complaints from the
12 very first day.

13 I said at the lunch table with the girls and they
14 all really and truly said as I had said in an earlier
15 statement it was a sweat shop and she was a slave driver
16 and they were also under-paid.

17 Q And these discussions about it being sweat shop and
18 Mrs. Harkavy being a slave driver and their being under-
19 paid, these took place from the very first day you started
20 to work?

21 A The first day at the lunch hour that is what I
22 heard.

23 Q Now, then, you testified on direct examination that
24 this came up every day during lunch?
25

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1 A Practically every day.

2 Q So that would it be fair to say by the time Mr.
3 Sciacca had visited the people and gotten their cards
4 signed you had spent a lot of time, of your own time,
5 lunch time --

6 A Well, I did it voluntary, a lot of my time, a lot of
7 the girls would ask questions.

8 Q Regardless of whether they asked questions or you
9 answered questions or they told you or you told them,
10 what I'm getting at is that by the time October 4th
11 came around you had put a pretty fair amount of time in
12 on the whole subject of unionization at Solboro, isn't
13 that correct?

14 A Well, I felt that they didn't like what was going
15 on there, they should do something about it.

16 Q As a matter of fact, once you had a pretty good
17 idea of the things that were bothering the employees
18 and of the conditions and the wages at Solboro,
19 you were pretty determined to get the union into Solboro,
20 weren't you?

21 A Not really.

22 Q You mean you didn't care?

23 A No, if the girls want it, good for them. If they
24 didn't want it, it didn't bother me.
25

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1 if that is the card you were talking about.

2 MR. SCHER: No. I'm talking about the fact if we
3 eliminate--

4 JUDGE HERMAN: The size of the unit to 12. He is
5 saying that that doesn't affect the question.

6 MR. SCHER: There is testimony in the record
7 that indicates that Mrs. O'Connell was instrumental
8 by stating "Go ahead and sign the card," to both
9 Carmen and to Donna.

10 If that had the effect of knocking out, besides
11 her own, two other cards, reducing the number of cards
12 that have been presented as valid in benefit of the
13 union's demand of 6, then even if the unit were reduced
14 by one in accordance with the finding that she is a
15 supervisor, that is, Mrs. O'Connell, it would be 6 out
16 of 12 cards.

17 JUDGE HERMAN: The motion is denied.

18 Off the record.

19 (Discussion off the record.)

20 JUDGE HERMAN: On the record.

21 MR. SCHER: The respondent would like to call
22 as its first witness Julis Delfino.
23 Whereupon,

24 JULIA DELFINO,
25 having been first duly sworn, was examined and testified

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1 as follows:

2 JUDGE HERMAN: State your name and address.

3 THE WITNESS: Julia Delfino, 160 Blake Avenue,
4 Bohemia, New York.

5 JUDGE HERMAN: Please keep your voice up.

6 THE WITNESS: Sure.

7 DIRECT EXAMINATION

8 BY MR. SCHER:

9 Q Mrs. Delfino, during the year 1974 did you come to
10 be employed at Solboro Knitting Company?

11 A Yes.

12 Q Can you tell us when you started employment with
13 them?

14 A It was in May. I'm not sure of the exact date.
15 I think it was about the 12th or 13th.

16 Q In what capacity were you employed, what position?

17 A Floor girl.

18 Q As a floor girl?

19 A Yes.

20 Q What did your job entail?

21 A Well, I marked sweaters where the buttons had
22 to be put on and the button holes and trim and
23 various other little things by buttoning the sweaters
24 for the presser.

25 Q Was this the first job you had ever had in this

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1 industry?

2 A Yes.

3 Q Well, by that I don't mean for Solboro Knitting.
4 I mean in the garment industry.

5 A Well, I worked for Brooklyn Handkerchief here
6 in the city.

7 Q And what was your job there?

8 A I was a supervisor.

9 Q Is another phrase for this in the industry that
10 we are talking about forelady?

11 A Well, I think he called me supervisor because
12 when he went away to Puerto Rico to our other plant,
13 I was left in charge of the place along with his
14 brother.

15 Q Now --

16 JUDGE HERMAN: You mean the boss?

17 THE WITNESS: Yes.

18 Q Now, during the course of your employment at Solboro
19 did you become familiar with the flow of production work
20 from the beginning of the sample or design stage straight
21 on through it being packed and shipped?

22 A Yes.

23 Q I would like to ask you to direct your attention
24 to the month of September -- months of September and
25 October of 1974.

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1 Can you tell us whether there was any change that
2 you noticed in that period and, if so, when, in the flow
3 of production work?

4 A Well, it started to slow down towards the end of
5 September. I don't remember the exact date.

6 B y that I mean we had to wait for work to come
7 through to us.

8 Q Was there also a dwindling supply of work that was
9 coming through?

10 A As the days went by, yes.

11 Q Can you recall what, if anything, was happening
12 with the knitting machines during September?

13 A Well, I know they slowed down.

14 I didn't hear them as much as I heard in the
15 beginning.

16 Q How many knitting machines did the company have
17 at the time that you were employed in September?

18 How many knitting machines in the plant?

19 A Gee, I really don't know. I don't really know how
20 many because I didn't work at that end of the place.

21 Q Now, in your previous employ prior to coming to
22 Solboro was that job a seasonal job?

23 A By that you mean layoff?

24 Q Yes.

25 A Well, it was only at Christmastime while we took

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1 inventory from Christmas to New Year, it was a short
2 time.

3 Q Would you say that you are familiar with the pattern
4 of seasonal work in the garment industry generally?

5 A Yes.

6 Q And during the course of working in 1974 for
7 Solboro Knitting did you come to have knowledge to the
8 effect that Solboro was a seasonal employer?

9 A Yes, I know that.

10 Q Was there anything that took place at Solboro
11 during the month of September that caused you to think
12 about the seasonal aspect of the business at Solboro
13 and whether or not there would be any layoffs?

14 A Well, I know that Jo O'Connell came back that
15 morning and told us we just lost a big order and we were
16 stuck with those sweaters and after that things just
17 seemed to go down.

18 Q Can you try to place the time of the month that
19 happened or the date?

20 A It was the latter part of September, because
21 in the early part of October things were slow and
22 I asked Mrs. Murray if I could have a day off to go
23 into the city to see a sick brother.

24 And I knew it was slow so I thought it would be
25 the best time to ask her.

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1 Q Well, getting back to this information that
2 Josephine O'Connell gave you, could you tell us
3 specifically what she said, where she said it and who
4 she said it to?

5 A Well, I was working at the back table with Millie
6 Cacoperdo, I think her name is, and she came back and
7 she said, you know, "Girls, Mrs. Murray just told me we
8 lost a big order," so when the order is lost like that,
9 I have been working for people a good many years, and
10 when we lost an order here in the city I knew what
11 it meant, that things would start to slow down because
12 there was no market for it.

13 Q Did you know what goods or materials were affected
14 by that?

15 Did she get specific about the order?

16 A We were working at the time on a sweater with
17 fur collars and cuffs.

18 Q And did she by any chance mention to you and
19 to Millie that the company had received any notices
20 or letter or telegram concerning the cancellation?

21 A I think she said, "We received a telegram." I'm
22 not sure but I think it was a telegram.

23 Q Now, you were working in the same area of the
24 plant when the layoffs began at the company on October
25 4th, were you not?

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1 A Yes.

2 Q Can you describe for us what was happening -- now
3 we are getting into the next week of the year, the
4 following week after this discussion you have testified
5 to with Josephine O'Connell, what was happening then
6 with the flow of work and what impact, if any, were
7 you able to observe on the work available for yourself
8 and other employees?

9 A Well, I know we had to wait until some of the girls
10 finished the work.

11 We had to go back, I would call it, piece by piece.
12 In other words, there wasn't enough work. We would take
13 few bundles or whatever it was there and take it and
14 on one or two occasions when there was nothing, I
15 don't like to stand around, I even took the broom and
16 swept the floor.

17 JUDGE HERMAN: When was this?

18 THE WITNESS: It was the first part of October,
19 because it was so slow that I asked Mrs. Murray for
20 time to come into the city here.

21 Q Now, as the people began to be laid off how
22 was the remaining work handled as far as you were able
23 to observe it?

24 You said you began employment in May of 1974?

25 A That's right.

